

HEALTH AND SAFETY

SAFETY POLICY & ARRANGEMENTS



**Nottingham
City Council**



Date: October 2014

Issue: No. 5

Subject: Violence to Colleagues - Managing & Reporting



Introduction

This document forms part of the National Ice Centre's corporate written safety policy arrangements.

Departments, services or teams may consider it appropriate to develop additional guidance and systems of work on specific work related activities.

Where proposals, additional guidance or changes to systems of work will have an impact on health, safety and welfare, there must first be consultation with Trade Union Safety Representatives via Departmental Health Safety and Welfare Committees.

If you have any questions or require further information or support on the contents of this document, please contact Corporate Safety Advice.

Manager Responsibilities

Below is an overview of the responsibilities which is intended to support managers in identifying their key duties that need to be taken to comply with the requirements of this document and the safety management systems of the National Ice Centre.

- Managers need to understand what defines a violent incident and ensure that suitable and sufficient risk assessments covering violence to colleagues they manage are in place where it is likely to occur.
- Managers must ensure that the assessments are regularly reviewed and consider the work practices and safe working procedures.
- Managers must ensure colleagues are provided with information on the findings of risk assessments, safe working procedures, instructions as well as training on dealing with violence and aggression (part of induction, staff meetings and ongoing training).
- Managers need to ensure you and your colleagues are familiar with the National Ice Centre's requirements and procedures for reporting incidents of violence against colleagues.
- Managers must ensure all employees are aware of the procedure for reporting violence to colleagues (include violence reporting procedures in induction training and display the poster guide, at the end of this document, in a prominent location).
- Managers need to support colleagues and encourage them to report physical assaults and significant threats to the Police.
- Managers need to ensure that any colleague that has experienced violence receives ongoing support with access to appropriate counselling where requested by the employee.
- Managers need to ensure every incident is investigated fully and take appropriate action to minimise further risk e.g. review associated risk assessments.
- Managers must give support to colleagues and provide reasonable assistance to them in any actions that they may wish to take.

Employee Responsibilities

The Health & Safety at Work Act 1974 section 7 requires all employees to consider their own health & safety and the safety of others.

As an employee of the National Ice Centre, if you have concerns in relation to health & safety that is likely to cause you or someone else, injury or ill health then you must ensure that the concern is communicated to your manager immediately.

You are also required to co-operate with the management of the National Ice Centre to ensure compliance with the health & safety arrangements, policies and procedures and work to the requirements identified within this document.

To comply with the requirements of this document, in the event of a violent incident occurring, you must ensure that it is reported appropriately and your manager is informed

The Health & Safety Legal Framework

Although no specific health & safety legislation considers the issue of the management of violence in the workplace, the legal framework which requires employers to ensure the health, safety and welfare of their employees whilst at work identifies that all reasonably practicable controls to eliminate or minimise risks from workplace violence should be implemented.

The main health and safety legislation which has relevance to the management of violence at work are:

The Health and Safety at Work etc Act 1974

Employers have a legal duty under this legislation to ensure, so far as is reasonably practicable, the health, safety and welfare at work of their employees.

The Management of Health and Safety at Work Regulations 1999

Employers have a legal duty to assess the risks to employees and **must** make arrangements for the effective management of health and safety where significant risk exist

The risk assessment process must, where appropriate, include elimination or controls of the risks to an employee's exposure to reasonably foreseeable violence.

Definition of Violence

The National Ice Centre has adopted the Health & Safety Executive's (HSE) accepted definition of workplace violence which is:

'any incident in which a person is abused, threatened or assaulted in circumstances relating to their work'.



This is considered to include the following types of incident:

- Personal / physical attacks upon the person, whether or not causing injury & including threatening behaviour.
- Verbal attacks with or without a weapon.
- Deliberate silence.
- Threats in writing addressed to or about a named employee.
- Gestures and/or foul and abusive language whether by personal confrontation, over the telephone or other communication devices such as e-mail.
- Harassment that makes a person feel threatened, humiliated or distressed.
- Hate related abuse against a person's race, religion, disability, gender or transgender
- Damage to personal and/or corporate property, equipment etc.
- Any incident that involves the police or other agencies
- Any incident that requires the withdrawal of service or banning from the premises

Risk Assessments

Managers have a legal duty to ensure the health, safety and welfare of employees under their control are protected.

The line management of colleagues who may be exposed to violence must ensure appropriate risk assessments are in place and identify potentially violent situations or persons within their working environment and consider any reasonable actions / measures required to reduce or control the level of risk to employees.

Further information on the risk assessment process can be found within the Corporate Safety Manual, Safety Police and Arrangements - 'Risk Assessment - A Guide for Managers'.

Training on understanding and the completion of risk assessments and the 'management and assessment' of violence is available from Corporate Safety Advice.

Violence Incident Database

Who Should Complete the NIC 'Incident Report' Form?

The NIC 'Incident Report' form is in two parts.

1. The employee who has been involved in the incident/assault must complete the first side of the relevant form, as soon as possible after the incident. Where it is not possible for the assaulted person to complete the form a responsible person acting on their behalf may complete the first side of the form. (The responsible person will usually be the supervisor or manager in control of that area). Wherever possible and appropriate, a copy of the assaulted person's side of the form only, should be sent to the assaulted person to ensure that the description of the incident is accurate.
2. The assaulted employee's Department Manager should complete the reverse side of the form, as soon as possible after it is received from the employee. This represents the department manager's investigation and should detail their findings such as root causes, action taken to prevent a recurrence etc.

What to do with the Completed Form?

1. The completed form must be copied.
2. The original must be sent to the Deputy General Manager.
3. The copy must be retained by the Department Manager.

What Happens Next

When the Deputy General Manager receives the completed 'Incident Report' form, the details are recorded on the Accident/Incident database.

Where further investigation and/or recommendations are considered necessary, this will be undertaken by the Department Manager with support from the Deputy General Manager.

Information and Training

Information and training is not a substitute for eliminating / minimising the risks and is only part of the recommended control measures.

Training

A training session on the assessment and management of violence are available from Corporate Safety Advice. If you would like any further information on the content of this course please contact Corporate Safety Advice

Reporting Violent Incidents to the Police

Where an incident falls within the following categories of incident, line management should strongly encourage the assaulted person to report the incident to the police.

1. Actual physical assault.

2. Face to face incident where an attack is threatened and there is an ability to carry out the threat at that time.
3. A separate more serious offence of making a threat to kill or damage property where the person does not need to be in a position to carry out the threat immediately.

There are many be circumstances where it is considered not appropriate to report an incident to the police.

However, where there is an ongoing threat to either the assaulted person or colleagues, it is appropriate to report the incident as the employee has a duty of care both to themselves and other colleagues to prevent further incidents occurring

Where a colleague does not wish an incident to be reported but it is considered by their manager that it is appropriate to notify the police, this can be done.

For the police to take action where a colleague is unwilling to support the police investigation, the police will attempt to gain information from other means including witnesses or CCTV.

If they are unable to progress the matter within the support of the colleague, the investigation will then finish

Reporting to the Health & Safety Executive Under 'RIDDOR'

It is the responsibility of the Line Manager to ensure that the Health & Safety Executive is informed when an employee suffers a physical injury resulting in significant injury or results in more than 7 days off work.

Full guidance on the reporting requirements for RIDDOR can be found within the Corporate Safety Manual *Safety Policy and Arrangements - 'Reporting Accidents, Near Misses and Work Related Ill-Health'*.

Notifying Union Safety Representatives

Where there has been an incident reportable under RIDDOR, the Union Safety Representative who represents the employee involved should be informed.

Notification should be carried out quickly enough to enable the Union Safety Representative(s) to carry out an inspection of the area involved in order to determine the cause(s) of the incident.

Safety Representatives may also wish to inspect and take copies of the RIDDOR report form and where completed, the Injured Person Report Form' for the incident.

What Happens Next?

Corporate Safety Advice manage the 'Incident Management System' and where appropriate will assist and support management and may undertake further investigations and provide additional advice support and recommendations where considered necessary.

Notifying Community Protection

Community Protection can take action against council tenants and customers/ service users who display violent, aggressive and anti-social behaviour.

Does the Assaulted Person need a Copy?

Where the assaulted person has requested a copy of the incident, their manager can give a copy of the 'Incident Report' form.

This can also be printed off from the 'Incident Management System'.

References and Further Information

The following information and reference material is in place to assist managers to understand their responsibilities and duties.

NIC Documentation

- Working Alone Safely
- Risk Assessment - A Guide for Managers
- Reporting Accidents, Near Misses and Work Related Ill-Health
- Incident Investigation Procedure

External References

- INDG 69 – 'Violence at Work (A guide for Employers)' (HSE)