

# Notice of Meeting

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## Personnel Committee

**Friday, 17th September, 2010 at 2.00 pm**  
in Committee Room 2 Council Offices  
Market Street Newbury

Date of despatch of Agenda: Thursday, 9 September 2010

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Moira Fraser on (01635) 519045  
e-mail: [mfraser@westberks.gov.uk](mailto:mfraser@westberks.gov.uk)

Further information and Minutes are also available on the Council's website at  
[www.westberks.gov.uk](http://www.westberks.gov.uk)



**To:** Councillors Paul Bryant (Chairman), Adrian Edwards, Tony Linden, Keith Lock (Vice-Chairman) and Quentin Webb

**Substitutes:** Councillors Brian Bedwell, Mollie Lock, Andrew Rowles and Julian Swift-Hook

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# Agenda

## Part I

Page No.

1. **Apologies for Absence**  
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 1 - 2  
To approve as a correct record the Minutes of the meeting of the Committee held on 02 July 2010.
3. **Declarations of Interest**  
To receive any declarations of interest from Members.
4. **Protection of Staff** 3 - 54  
*Purpose: To outline a range of proposals to protect staff.*
5. **Date of Next Meeting**  
To agree the date of the next meeting (if required).

Andy Day  
Head of Policy and Communication

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If you require this information in a different format, such as audio tape, or in another language, please ask an English speaker to contact Moira Fraser on telephone (01635) 519045, who will be able to help.



Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

**PERSONNEL COMMITTEE****MINUTES OF THE MEETING HELD ON  
FRIDAY, 2 JULY 2010**

**Councillors Present:** Councillor Paul Bryant, Adrian Edwards, Keith Lock

**Also Present:** Ian Priestley, David Bull, Linda Pye

**Apologies:** Councillor Quentin Webb

**PART I****9. Minutes**

The Minutes of the meetings held on 11<sup>th</sup> May 2010 and 28<sup>th</sup> May 2010 were approved as a true and correct record and signed by the Chairman.

**10. Declarations of Interest**

There were no declarations of interest received.

**11. Fire, Legionella and Asbestos Policy**

The Committee considered a report (Agenda Item 4) concerning policies and procedures for the management of asbestos, legionella and arson to support the role of the Responsible Person. The report set out three procedures which provided guidance on how the Council would manage the risks posed by arson, legionella and asbestos – the three biggest health and safety risks within Council buildings.

Ian Priestley reported that new management arrangements had been implemented based around the concept of a Responsible Person being nominated for each building. Any procedures in place would need to be easily accessible by the Responsible Persons and they would need to be kept under constant review by the Health and Safety Team. Monitoring on all aspects of health and safety, which included fire, asbestos and legionella, would be undertaken on a quarterly basis. Training was provided for the Responsible Persons and Competent Persons could also be appointed to assist the Responsible Person in their role. The policies which had been drafted were intended for lay people to understand and use. The reporting system allowed Responsible Persons to flag up any issues that they were unable to deal with.

Councillor Paul Bryant referred to the policy on asbestos and asked who would be responsible if there was a problem as the Responsible Person might not have had training. Ian responded that each case would need to be considered on its own merits and the circumstances which had arisen and he was therefore unable to provide a general answer.

Councillor Adrian Edwards felt that the policies were well drafted but had concerns in respect of contractors coming into Council buildings to undertake work. If there was nothing noted in the asbestos register did contractors assume that the building was free of asbestos? Ian stated that the contractor should assume that the building was not free of asbestos but he confirmed that all of the Council buildings had been surveyed for asbestos. The contractor should look at the asbestos register in the first instance and if

# DRAFT

## PERSONNEL COMMITTEE - 2 JULY 2010 - MINUTES

that was clear they could proceed. The Council should be safe from prosecution provided the procedure was followed.

Councillor Edwards referred to paragraph 3.2 in the Procedure for Asbestos Management and asked if the wording could be strengthened to ensure that schools adhered to the Council's policies. Ian responded that Foundation or Voluntary Aided Schools were not obliged to adopt Council policies as the governing body was the employer. Ian confirmed that he would liaise with Margaret Goldie and the Legal Department as to whether this paragraph needed to be strengthened.

Members noted that Property Services were only responsible for checking the main corporate buildings in respect of testing water temperatures and de-scaling shower heads. Responsible Persons were expected to undertake such tasks in other Council buildings and Corporate Board might want to consider giving technical duties such as those mentioned above to Property Services to undertake.

Ian Priestley confirmed that he would check whether Appendix 4 of the Asbestos Policy also referred to Voluntary Aided Schools.

Members queried whether there had been any cases of legionella in the district. Ian confirmed that no-one had become ill as a result of legionella but there had been cases where the bacteria had been found in the water. However, if there was any particular concern then a specialist would be brought in to check for legionella.

In respect of arson a template had been produced for Responsible Persons to adapt depending on the particular use of their building. The Fire Service would check to see if such a form was being used when they visited a property.

**RESOLVED** the Committee approved the policies and procedures.

### 12. Date of Next Meeting

The date of the next meeting would be advised in due course.

*(The meeting commenced at 2.10pm and closed at 2.45pm)*

**CHAIRMAN** .....

**Date of Signature** .....

# Agenda Item 4.

<b>Title of Report:</b>	<b>Protection of Staff</b>
<b>Report to be considered by:</b>	Personnel Committee
<b>Date of Meeting:</b>	17 September 2010
<b>Forward Plan Ref:</b>	N/a

**Purpose of Report:** To outline a range of proposals to protect staff.

**Recommended Action:** Approve proposed policies and procedures set out in this report.

**Reason for decision to be taken:** to reduce the risk of harm to staff.

**Other options considered:** As set out in the report

**Key background documentation:** None

The proposals will also help achieve the following Council Plan Themes

- CPT13 - Value for Money**
- CPT14 - Effective People**
- CPT16 - Excellent Performance Management**

The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:

Mitigating the risk to staff safety and health

Portfolio Member Details	
<b>Name &amp; Telephone No.:</b>	Councillor Keith Chopping - (0118) 983 2057
<b>E-mail Address:</b>	kchopping@westberks.gov.uk
<b>Date Portfolio Member agreed report:</b>	24 <sup>th</sup> June 2010

Contact Officer Details	
<b>Name:</b>	Ian Priestley
<b>Job Title:</b>	Assurance Manager
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## Implications

**Policy:** This report outlines policies to support staff in dealing with violence and aggression, lone working and clients of concern

**Financial:** none

**Personnel:** none

**Legal/Procurement:** none

**Property:** none

**Risk Management:** The measures outlined in the report should reduce the risk to staff

**Equalities Impact Assessment:** The policy is designed to protect vulnerable staff. .

# Executive Summary

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## 1. Introduction

- 1.1 This report outlines a Policy and set of Procedures that are designed to help ensure the protection of staff.

## 2. Proposals

- 2.1 The report contains a proposed corporate policy on the protection of staff supported by a number of procedures, on dealing with violence and aggression, lone working, and clients of concern. These can then be amended to suit local service needs. In addition a policy drawn up by Adults Services for dealing with Violence and Aggression is included as an excellent example for other services to follow.
- 2.2 The report also contains a standard risk assessment template that officers and managers can use to manage and mitigate the risks posed by lone working and dealing with violence.

## 3. Conclusion

- 3.1 There are a number of good practices operating across the Council to protect staff. The Policy and Procedures outlined in this report will help services to ensure that their staff operate safely.

# Executive Report

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## 1. Introduction

- 1.1 This report provides a Policy and set of Procedures to support staff in dealing with potentially high risk issues of lone working, violence and aggression and the process the Council has in place for identifying clients of concern.
- 1.2 There are procedures covering measures to protect staff in many of the Council's Services. This report provides an overall Policy for protecting staff and a set of templates / guidance notes that should allow Heads of Service to review their existing procedures, or develop them where they are not yet in place.
- 1.3 The report covers the following areas and sets out or refreshes policies for:
  - (1) An overall policy for protecting staff
  - (2) Violence at work procedure
  - (3) Lone Working procedure
  - (4) Clients of concern procedure
  - (5) Guidance on risk assessing Lone Working.
- 1.4 Each of these is designed as a high level Council wide policy that will need tailoring for the different services across the Council. The procedure prepared by Adults Services is included as an example of an effective service specific policy for handling Clients with "Challenging Behaviour".
- 1.5 The procedures are considered together as they are interrelated. The overall policy is set out in **appendix A**.

## 2. Violence at Work

- 2.1 The Health and Safety Executive define violence as "any incident in which a person is abused, threatened or assaulted in circumstances relating to their work." The Procedure for the Council is based on HSE guidance leaflet INDG69.
- 2.2 The Procedure is set out at **Appendix B**. One of the key proposals in the Code is to require the Council to consider taking legal action against people who abuse council staff. The Procedure is also designed to provide common sense advice on how to deal with situations where there is a possibility of violence.
- 2.3 As noted above the Procedure developed by Adults Services for their specific needs is attached at **Appendix C**, as an example.

## 3. Lone Working

- 3.1 Lone working covers a range of situations. One of the implications of lone working is that staff are more vulnerable when on their own, regardless of the function that they are performing, in particular lone working will make staff vulnerable to violence or aggression.



3.2 A Procedure has been developed for the Council based on HSE guidance note INDG73. The Procedure is designed as a template from which services can develop their own guidance for their own specific needs. The Procedure is attached at **Appendix D**, and contains basic common sense advice on dealing with the risks of lone working.

#### **4. Clients of Concern**

4.1 A key risk for the Council is that one service may be aware of a client who poses a threat to Council Officers and yet staff in another service may not be aware, visit that client and be harmed. Consequently the Council has developed a policy and procedure to ensure the sharing of information about clients who are felt to pose a threat to Council Officers.

4.2 The Procedure has been in place for some time now, but the development of sharing information was slow. However, the procedure is now in place and being rolled out to all services. A copy of the Procedure is at **Appendix E**

4.3 The details of clients of concern are now being recorded on a register held on the Intranet so that they are available for any member of staff who needs to visit a client in their home.

#### **5. Risk Assessment for dealing with Violence / Aggression / Lone working**

5.1 A key mechanism for minimising the risk to staff is ensuring that a suitable and sufficient Risk Assessment has been carried out. Given the wide variety of services that the Council delivers and the range of situations that Council staff may find themselves in it is difficult to be prescriptive about measures to protect staff. The Risk Assessment process is designed to be tailored to specific situations.

5.2 A copy of a standard risk assessment template is attached at **Appendix F**. This aims to help staff and managers to tease out risks and identify ways of mitigating those risks.

#### **6. Recommendations**

6.1 All of the above fall under the requirements of the Council's H&S Policy and Strategy. The H&S Policy sets out the responsibilities of managers and in particular Heads of Service to take ownership of the management of H&S. It is critical that Directors work with their Heads of Service to ensure that the policies and procedures set out in this report are implemented.

6.2 Heads of Service need to apply the policies and procedures, in particular the clients of concern register needs to be used and updated and appropriate risk assessments carried out.

6.3 Heads of Service must review the needs of their staff and if required develop or amend existing procedures to ensure that they fit the overarching Council Policy. Heads of Service should ensure that their procedures are reviewed by the H&S team to ensure they meet H&S requirements.

6.4 The H&S Team need to continue to support Heads of Service implement these procedures and in due course will need to audit their implementation.

## **Appendices**

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Appendix A – Policy for the protection of staff and customers

Appendix B – Procedure for dealing with violence / aggression

Appendix C – Older Peoples Service Policy for dealing with violence and aggression

Appendix D - Procedure for Lone Working

Appendix E – Procedure for dealing with Clients of Concern

Appendix F – Risk Assessment Template for Violence / Aggression / Lone Working

## **Consultees**

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**Local Stakeholders:** Not consulted

**Officers Consulted:** Corporate Board

**Trade Union:** Unison

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# Personal Safety of Staff Policy

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## Document Control

Document Ref:		Date Created:	
Version:		Date Modified:	
Revision due			
Author:	Ian Priestley	Sign & Date:	
Owning Service	Finance (Health and Safety Team)		
Equality Impact Assessment: (EIA)	Date undertaken:		
	Issues (if any):		

Chief Executive	Sign & Date:	
Corporate Director (Community Services)	Sign & Date:	
Corporate Director (Children & Young People)	Sign & Date:	
Corporate Director (Environment)	Sign & Date:	

## Change History

Version	Date	Description	Change ID
1			
2			
3			

*This Policy is not for publication externally*

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## **1. Purpose**

- 1.1. The Council, as an employer, has a duty of care to its employees, including the provision of a safe working environment in which risks to their health and welfare are removed or minimised. All employees have a duty to ensure that they work in a safe way and do not act in a way that would compromise the safety of others.
- 1.2. The purpose of this policy is to ensure that employees of the Council are protected, as far as possible, from risks to their health, safety and welfare arising in the course of their work from customers, clients and members of the public.
- 1.3. Whilst all employees are entitled to a safe working environment, there is an underlying principle that people who behave in ways that are challenging are entitled to receive the same standard and quality of service as anyone else.
- 1.4. The Personnel Committee have approved the Protection of Staff Policy.

## **2. Applicability**

- 2.1. This Policy applies to:

- 2.1.1. All non-school based employees working for the Council, including those working from home or at non-Council locations.

- 2.1.2. Other persons including Elected Members, consultants, agency staff and contractors working for the Council, and external organisations working with the Council, whilst engaged on Council business .

- 2.2. It is the responsibility of each employee and other person mentioned in Section 2.1.2 to familiarise themselves with and adhere to this Policy.
- 2.3. This Policy has been the subject of consultation with Heads of Service and Trade Unions and has been ratified by the Council's Corporate Board.

## **3. Policy**

It is the Policy of the Council to ensure that;

- 3.1. All employees are provided with a safe working environment in which they are entitled to work free from actual or threatened violence or aggression.
- 3.2. Risk assessments are completed where employees are potentially exposed to violence and/or aggressive behaviour in the course of, or as a result of, their work
- 3.3. All reasonably practicable steps are taken identify and minimise or reduce the risks that are inherent in certain duties required of staff.
- 3.4. Appropriate training is provided and that, for staff identified as being at risk of violence in circumstances related to their employment, training will be mandatory.
- 3.5. Adjustments are made to the physical workplace or to working practices to remove or minimise the risk of injury in the event of violence or aggression occurring.

- 3.6. A register of Council clients or members of the public who are considered to pose a health and safety risk to employees ('Clients of Concern') is maintained and accessible to all staff who may be put at risk by contact with them.
- 3.7. All incidents of violence, aggression or threats involving staff are treated seriously. Violent incidents are reported to the Police.
- 3.8. Support is provided to any member of staff who is assaulted whilst carrying out his/her official duties, or where the assault takes place outside his/her official duties but where the assault arises from a connection to the Council.
- 3.9. Assaults on a member of staff away from the normal 'work' premises are the concern of the Council if it arises in the direct course of that person's employment.
- 3.10. All Heads of Service develop and maintain service-specific risk assessments and procedural guidance for handling violence and aggression and for lone working (where relevant) and review them regularly to ensure they are fit for purpose and comply with the requirements of this Policy and the associated guidance notes.
- 3.11. All incidents of actual or threatened violence or aggression against staff are recorded on the Council's Webrisk system.

#### **4. Implementation**

- 4.1. This Policy will be supported and implemented by the development and publication of corporate procedures and guidance on preventing and handling actual or threatened violence and aggression, lone working, and the clients of concern register.
- 4.2. Local procedures and guidance which address service-specific risks and working practices will be developed and maintained by Heads of Service.

#### **5. Roles and Responsibilities**

- 5.1. The overall responsibility for Protection of Staff policy within WBC rests with the Health and Safety team in conjunction with Human Resources. They are also responsible for maintaining this Policy, for reviewing all related policies and procedures and for providing advice and guidance on their implementation.
- 5.2. The responsibility for day-to-day management of protection of staff throughout West Berkshire Council rests with every Head of Service and his/her managers.
- 5.3. All managers are directly responsible for implementing this Policy and any sub policies and procedures within their service areas, and for the adherence of their staff and others (2.1.2).
- 5.4. All personnel detailed at 2.1.1 and 2.1.2 have an individual responsibility to adhere to this Policy and any relevant procedures.

#### **6. Failure to comply with WBC Protection of Staff Policy**

- 6.1. This document provides staff and others with essential information regarding protection of staff and sets out conditions to be followed. It is the responsibility of all

to whom this Policy document applies to adhere to these conditions. Failure to do so may result in avoidable harm to employees.

## **7. Review**

- 7.1. This policy will be reviewed to respond to any changes and at least every three years or after any serious incident of violent attack being reported.
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<h1>Procedure and Guidance for Managing Violence and Aggression against Staff</h1>	Reference:	*
	Version No:	*.*
	Issue Date:	*
	Classification:	*

## Document Control

Document Ref:		Date Created:	Dec 2009
Version:	1.0	Date Modified:	
Revision due	Dec 2012		
Author:	Ian Priestley	Sign & Date:	
Head of Service:	Andy Walker	Sign & Date:	
Equality Impact Assessment: (EIA)	Date undertaken:		
	Issues (if any):		

## Change History

Version	Date	Description	Change ID
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## Related Documents

Reference	Title	Tier
	Protection of Staff Policy	
	Reporting of Clients of Concern Policy and Procedure	
	Guidance for service areas on the development of lone working procedures	

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## **1. Purpose**

- 1.1. The purpose of this procedure and associated guidance is to ensure that employees and others are not exposed to avoidable risks to their health and safety associated with violence or aggression arising in the course of the Council's activities.
- 1.2. Where violence or aggression is likely, the Council has a duty to minimise or eliminate the risks to health and safety.
- 1.3. Violence at work is defined as behaviour which produces physical or emotional harm.
- 1.4. This procedure has been the subject of consultation with Heads of Service and Trade Unions and has been ratified by the Council's Corporate Board.

## **2. Applicability**

2.1. This procedure applies to:

- All non-school based employees working for the Council, including those working from home or at non-Council locations
- Other persons including Elected Members, Consultants, Agency staff and contractors working for the Council, external organizations working with the Council, whilst engaged on Council business.

2.2. It is the responsibility of each employee and other person named in section 2.1 to familiarise themselves with and adhere to this procedure.

## **3. Roles and Responsibilities**

3.1. The Head of Finance has overall responsibility for ensuring that the procedure is managed appropriately in accordance with these agreed standards.

3.2. The Risk and Safety Manager, in liaison with the Head of Human Resources is responsible for:

- Directing and reviewing this standard.
- Ensuring that there is effective consultation and communication on this procedure
- Publishing and promoting the adoption of this procedure and guidance.
- Ensuring the procedure and guidance complies with health and safety legislation and best practice.

3.3. Heads of Service and service managers throughout the Council are responsible for the day-to-day management and implementation of this procedure.

3.4. Heads of Service, in liaison with their service managers, are responsible for developing and maintaining service specific procedures for handling violence and aggression, ensuring they are fit for purpose and comply with this procedure. They

are also responsible for recording the necessary risk assessments and dealing appropriately with violent incidents against staff members.

3.5. Heads of Service, in liaison with service managers, are responsible for ensuring staff receive appropriate training.

3.6. All staff are responsible for familiarising themselves with, and ensuring that they comply with this procedure and any appropriate training provided.

#### **4. General Principles**

4.1. The Council recognises the risks faced by some staff in discharging their duties.

4.2. Actual or threatened assaults on staff are wholly unacceptable to the Council and this procedure and guidelines are intended to provide assistance to staff in the management of violence.

4.3. The Council recognises that certain duties may carry inherent risks to staff and all reasonably practicable steps will be taken to minimise or reduce these.

4.4. In acknowledgement of these risks, appropriate staff training will be provided. Training will be reviewed and updated as necessary. For staff identified as being at risk of violence in circumstances related to their employment, attendance at identified training will be compulsory.

4.5. All incidents of violence or threatened violence involving staff must be treated seriously. The procedure and guidelines must be followed in potentially violent situations, even where violence does not materialise.

4.6. The Council is committed to supporting any member of staff who is assaulted while carrying out his/her official duties, or where the assault takes place outside his/her official duties but where the assailant is or has been a customer or is in some way connected to the work of the Council.

4.7. Assault on a member of staff away from normal work premises is the concern of the Council provided that it arises in the direct course of that member of staff's employment.

4.8. In certain circumstances the Council will exclude clients from its premises where aggression and violent behaviour is encountered. Similarly it may be necessary to refuse services to persons in the community where similar behaviour is encountered. Appropriate service-specific procedures will apply in such circumstances.

4.9. A complaint will be made to the police where employees are physically assaulted by the public whilst undertaking official duties. In addition, the Head of Legal and Electoral Services may, if adequate evidence is available, instruct external solicitors to pursue civil proceedings against the perpetrator.

4.10. In rare circumstances it may be appropriate for the Council to apply for an injunction or other legal remedy against a perpetrator; for example, if there is a perceived danger of further attack against an employee(s). Such decisions will be taken by the relevant Corporate Director in liaison with the Head of Legal and Electoral Services.

4.11. The Council is responsible for ensuring that consideration is given to the provision and maintenance of features which will minimise the risk of violence at the design stage of new Council buildings and also when structural alterations are made to existing buildings, (see Section 10 for further information).

## **5. Procedure for managing violence and aggression against staff**

5.1. Risk assessments which are completed for service/line managers, must include the personal injury hazards to staff potentially exposed to violence and/or aggressive behaviour. This is a legal requirement and Heads of Service must determine which of their staff could be at risk.

5.2. Guidance on the completion of Risk Assessments is to be found on the WBC Health & Safety webpages. In addition, advice can be sought from the Health and Safety team. Risk assessment training is available via Social Care & Corporate Training. Heads of Service must ensure that there are sufficient trained risk assessors within their service.

5.3. Where a member of staff is assaulted or threatened in circumstances relating to his/her employment, he/she must report the incident to his/her line manager as soon as possible.

5.4. Where injury or shock has occurred, the employee must be referred to WBC's Occupational Health Service through HR. Counselling support will be provided, if required.

5.5. Where an incident occurs, the Head of Service must ensure that details are recorded on the Council's incident reporting system (Webrisk). The Head of Service should consider making a record on the Council's 'Clients of Concern' register (*see the Recording of Clients of Concern Policy and Procedure*).

5.6. If a particularly significant incident occurs, or where an escalation of aggression occurs within a Service Area, an appropriate investigation must be carried out by the relevant service manager. Any changes to service-specific procedures that result must be approved by the Head of Service and communicated to all staff.

## **6. Procedure for protecting staff who handle money**

6.1. Arrangements for the delivery and collection of money are kept under review by the Head of Finance.

6.2. All money collected must be banked in accordance with the Council's Financial Rules of Procedure. Service/line managers must ensure relevant staff understand and use these procedures.

6.3. Staff who are confronted by a potentially violent or aggressive situation when carrying money should not put themselves at risk and should hand the money over to the assailant(s).

6.4. Where possible, staff who are assaulted while carrying money should note the details of the assailant's appearance or any other useful information, such as vehicle registration details, which may help with a subsequent enquiry.

6.5. All incidents must be reported to the police, even where no theft occurs (see Section 7 below).

## **7. The Role of the Police**

7.1. In the event of a member of staff being assaulted or threatened in circumstances relating to their employment, or where criminal action has occurred, the incident must be referred to the police by the staff member or his/her line manager. Where possible, evidence should be preserved.

7.2. Where urgent help is required (for example, in the case of a physical assault), the employee should contact the police (via '999') at the time of the incident. The employee should contact the police direct and not use local contacts.

7.3 Employees should ensure they exercise caution and discretion when investigating a disturbance and should involve the police as appropriate.

7.3. In the case of a severe disturbance at a workplace (e.g. office or reception area), the police must be requested to attend when all reasonable steps to deal with the situation have failed.

7.4. Where an employee calls the police direct, he/she must also inform his/her line manager as soon as possible.

## **8. Training and Support for Employees**

8.1. Employees who are identified by their service manager/Head of Service as at risk of violent or potentially violent situations must undertake relevant training.

8.2. 'Managing Challenging Behaviour' training is available on the Social Care and Corporate Training programme.

8.3. In the event of an incident of violence or aggression, or potential violence or aggression, against an employee, the line manager must ensure appropriate support is provided.

8.4. Support should include a referral to the Council's counselling service, if the employee wishes to take this up. This is available through the Human Resources Operations team.

8.5. Absence from work directly attributable to assaults related to employment will be recorded as 'authorised other' absence and not sickness absence. In addition, an absence of over 3 days from work, due to physical injuries, will trigger a requirement to report the incident to the Health & Safety Executive, in order to comply with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995.

8.6. Employees who have been victims of assault in circumstances related to their employment shall be given such leave of absence with pay as is considered reasonable by the Head of Service to take legal advice, appear in court, consult with their Trade Union representative and/or to receive counselling and/or medical advice.

8.7. The Council will assist an employee who has been the victim of an assault in circumstances related to his/her employment with the legal support necessary to allow the member of staff to recover damages from the perpetrator(s) of the assault.

8.8. Where an employee is involved in a prosecution, a relevant senior officer of the Council will accompany him/her to the police station as support during interviews.

## **9. Guidance on handling potentially violent situations**

9.1. There are many causes of, and reasons for, violence. It may follow action by the Council which the client objects to, such as planning enforcement. Some individuals may be more prone to aggression or violence – for example, individuals suffering from a form of mental disorder, or an individual under the influence of alcohol or drugs. However, it should be noted these conditions may not necessarily lead to aggression or violence, nor will it always be possible to predict aggressive or violent situations.

9.2. Employees should always be alert to the possibility that their own behaviour or actions may initiate a violent response. This may happen unwittingly because of the client's circumstances which may be unknown to the employee. It may, however, result from behaviour from the employee which is entirely controllable, such as adopting a challenging posture or demonstrating an apparent need to dominate or exert authority over the client.

9.3. Other examples of actions/behaviour from the employee that may initiate a violent response include:

- Fear of clients or poor relationships with them
- The effects of stress or tiredness, resulting in reduced levels of tolerance
- Inconsistency in the imposition of controls and rules
- Misreading of gestures by clients
- Inexperience and/or lack of support from supervisor/line manager
- Increased openness in dealing with clients, such as involving them in reviews and discussions, thus facing them with unpleasant truths
- Failure to use the Council's Clients of Concern register, when designated as an authorised user by their Head of Service.

9.5 The following tables give examples of situations where violence can occur, some 'warning signs' of violence and some 'Do's and Don't's':

**Potentially Violent Situations can include:**

- Personal frustration obviously being felt by a client/customer
- A need to confront or challenge a client/customer
- A need to dominate/win a situation
- Exhaustion or stress in a member of staff
- Inexperienced staff lacking support, adequate training and/or supervision
- A lack of information on the background of a client/customer
- A change of routine

**'Warning Signs' that can precede violence can include:**

- Restless behaviour from the client/customer that can include pushing/jostling
- Deliberately provocative conduct
- A client/customer who is unusually quiet/reserved or abnormally loud/boisterous
- Over-sensitive reactions from a client/customer
- A feeling of tension in an interview
- A previous known history of violence
- A client/customer under the influence of drugs and/or alcohol
- A client/customer who may be tense or agitated
- A client/customer's voice pitch and/or volume increasing
- A client/customer responding to questions abruptly and/or with gesticulations
- A client/customer's pupils may become dilated
- A customer/client may exhibit signs of tension in the face or limbs



### **When violence is anticipated DO:**

- Discuss the situation and plan a course of action with the line manager/ an experience colleague
- Ensure that support and/or 'back up' has been organised where appropriate
- Prepare clients/customers in advance if you are to be the bearer of distressing news. Where possible, hold the conversation in Council offices
- Remove in advance any potential weapons –e.g. plant pots, ashtrays.
- Remove your neck-tie, necklace or other jewellery which could cause injury if violence occurs
- Consider sitting down for the meeting. This is less aggressive
- Try to maintain a relaxed posture
- Stay aware of your own feelings and reactions to those of your client/customer. You are then more able to adjust your own response to reduce the risk of violence
- Listen to a clients/customers thoughts and feelings and communicate recognition
- Remove yourself and your client/customer from a group, if possible, if the group's presence is exacerbating the situation (it can be harder for your client/customer to back down in front of peers).
- Consider any previous known confrontations between employees and your customer/client
- Try to remain reasonable. Only attempt to put limits on the customer/clients behaviour if you think this it will be effective.
- Remove yourself immediately if you feel you are about to be attacked.
- Call the police if you are threatened with violence or attack.
- Lock doors and windows in buildings or cars to prevent an aggressor's access to you.

**When violence is anticipated DO NOT:**

- Touch/make contact with a potentially violent person to try to eject them or to prevent damage to property
- Move suddenly, as sudden movement may alarm the customer/client
- Become physically overbearing
- Point/gesticulate at the customer/client
- Put either yourself or the customer/client in a corner. Make sure you each have exits and that either of you can back down without losing face.
- Get into a verbal battle or feel, or act, as though you always have to win the point.

**10. Guidance on planning the design of the workplace**

10.1. The general design and physical environment of buildings, waiting rooms and reception areas may significantly affect the likelihood of outbursts of aggression and violence, especially since people may be under stress in unfamiliar surroundings. For example, badly designed waiting areas which isolate visitors from staff, impede communication and flow of information are likely to increase risk.

10.2. Such factors cannot necessarily be considered in isolation but must be seen within an integrated approach to specific local circumstances. It will be appropriate to consider environmental redesign in some instances but not in others.

10.3. Examples of such changes are physical rearrangement of seating and room layout; segregation of visitors; colour; lighting; and activities to reduce boredom. Apart from improving the physical comfort and facilities for visitors, even small changes within a room can make it seem less hostile and more welcoming. Such changes may lessen the chance of an aggressive response. Specific measures which could be considered include the following:

<b>Reception</b>	An easily identifiable and accessible reception desk/area. This allows a member of staff to receive incoming visitors, make sure they are seen in the proper turn, answer enquiries and generally keep an eye on waiting visitors for signs of problems.
<b>Lighting</b>	Diffused and glare-free lighting which is of sufficient brightness to enable all areas of the room to be viewed and monitored by the receptionist for security reasons. There should be no hidden corners where people can deliberately hide or move unseen.
<b>Space</b>	There should be sufficient personal space so that visitors do not feel crowded and thus threatened by other disturbed visitors who may be sitting in close proximity.

<b>Noise</b>	Noise is a potential stress factor. Reduction in levels may be important in reducing problems. Consider whether bumpy floors, noisy trolleys, banging doors etc may be contributing. Appropriate sound absorbing surfaces or materials and baffling/curtaining may help. These should not, however, restrict vision.
<b>Colour</b>	Wall coverings and surface finishes in waiting areas should be subdued although pictures and plants adding colour can be visually pleasing
<b>Boredom</b>	During long waiting periods boredom can often lead to anxiety. This may be relieved through the provision of reading materials, vending machines and toys for children.
<b>Telephones</b>	Access to pay phones can enable people to communicate with friends, family etc
<b>Furnishings</b>	Chairs should be sufficiently comfortable for long waiting times. Furniture should not be capable of being used as missiles.

10.4. The design of interview rooms should, in addition to the above, incorporate easy access/escape, alarms and/or panic buttons and ease of contact (visual and/or auditory) with colleagues.

10.5. The design of interview desks should include an adequate depth of desk to prevent physical contact with interviewees. The presence of CCTV cameras (real or dummy) can act as a deterrent to violent attack. There should be a policy of not having loose objects present upon the interview desk, which could be used as a weapon or projectile.

10.6. In addition, the following general considerations should apply:

- Doors to staff areas should be capable of being locked
- Areas open to the public should not be able to be locked by visitors
- Alarm systems should not be obtrusive
- Public notices should not be threatening
- Sign posting should be clear and concise and adequate for purpose.

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# Working with Challenging Behaviour Policy

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## Document Control

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## Change History

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*This Policy is not for publication externally*

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*(NOTE: Update the contents list by right clicking anywhere over the text below – select ‘update field’ – select ‘update entire table’ – DELETE THIS NOTE BEFORE PRINTING)*

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## Appendix C

### 1 Purpose

- 1.1 The purpose of this policy is to set out the guiding principles of how staff in social care settings should work with people who behave in ways that seriously and/or persistently challenge staff, services and other service users.
- 1.2 This policy is a set of generic guiding principles that should apply to anyone in receipt of social care. Each service area is required to develop its own specific procedures based on these principles.
- 1.3 This policy applies to all settings where care is delivered, i.e. residential and nursing care, in peoples' own homes, day care, education and work settings. It applies to both internal and external care providers.
- 1.4 The Chief Executive and Corporate Board have approved the Working with Challenging Behaviour Policy.
- 1.5 This policy is based on current legislation and national guidance which is listed at section 5.4.

### 2 Applicability

This Policy applies to:

- 2.1 All non-school based employees working for the Council, including those working from home or at non-Council locations.
- 2.2 Other persons including Elected Members, Consultants, Agency staff and Contractors working for the Council, external organisations working with the Council, whilst engaged on Council business .
- 2.3 It is the responsibility of each employee and other person mentioned in Section 2.1. to familiarise themselves with and adhere to this Policy.
- 2.4 Adherence to this Policy is a condition of working for the council or using its assets.
- 2.5 This document is published separately as well as being incorporated into the WBC Employee handbooks.
- 2.6 This Policy has had consultation with Heads of Service and Trade Unions and has been ratified by the Council's Corporate Board.

### 3 Policy

- 3.1 It is the Policy of the Council to ensure that people who behave in ways that are challenging receive the same standard and quality of service as anyone else who needs social care.
- 3.2 A working definition of challenging behaviour has been proposed as:- "Severely challenging behaviour refers to behaviour of such intensity, frequency or duration that the physical safety of the person or others is likely to be placed in serious jeopardy, or behaviour which is likely to seriously limit or delay access to and use of ordinary community facilities." Emerson et al 1987 (\*1).

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- 3.3 Challenging behaviour can happen anywhere. It is a product of individual and environmental factors interacting together. Generally it occurs when an individual is unhappy with or cannot understand the situation they are in and have difficulty expressing their wishes and feelings. This may be due to an inability to communicate and/or a cognitive impairment. Both of these factors may be temporary or permanent. It can apply to a broad range of individuals, e.g. people with learning disabilities, autistic spectrum disorders, sensory impairments, acute mental illness, brain injury, substances misuse problems, dementia, and some forms of physical illness.
- 3.4 Respect for peoples' rights to dignity, freedom, and respect underpin good quality social care.
- 3.5 People using care services are free to do what they want, and to go where they want unless limited by law.
- 3.6 Enabling people in care settings to take risks, make choices and keep safe is a difficult balance.
- 3.7 The most effective way of managing challenging behaviour is to ensure that everyone receiving care has an individualised assessment which outlines their needs and aspirations and an individualised care plan that details how they wish their services to be delivered and takes account of the competency of the care providers to do this. The assessment should take account of any potential challenging behaviour, should include a risk assessment, and should give clear guidance to staff about how to prevent and manage this. The service user should be involved in the whole process of assessment and care planning preferable via a self assessment process. **The whole process should be person-centred.**

## 4 Restraint

- 4.1 Restraint is illegal unless it can be demonstrated that for an individual in particular circumstances, not being restrained would conflict with the duty of care of the service.
- 4.2 Where people have capacity restraint may only take place with their consent or in an emergency to prevent harm to themselves and others.
- 4.3 In all cases restraint should be seen very much as the "last resort". Other techniques and strategies should always be employed before restraint is considered.
- 4.4 Any restraint should be in the best interests of the person based upon the level of risk present, taking account of the person's size, gender, age and medical conditions. It should always be used for the minimum amount of time and with the least amount of intervention.
- 4.5 Any restraint should always follow agreed policies and procedures that focus on best practice and improved outcomes for the individual.
- 4.6 The misuse of restraint can result in injury or even death of the person being restrained. Therefore if restraint is seen to be necessary the agreed methods of how and when it should be used must be clearly detailed, and those involved in the intervention must have received the appropriate training.
- 4.7 Wherever possible the person concerned, their family and any other carers should be involved in any risk assessment and agreed procedures that might lead to restraint.



## Appendix C

4.8 All incidents where restraint has been used should be recorded appropriately and staff concerned debriefed. Restraint can take many forms and can be acceptable or unacceptable.

Below is a list of some of the different types of restraint:-

- **Physical restraint** – e.g. stopping an individual's movement by the use of equipment that is not specifically designed for that purpose, holding or moving the person or blocking their movement, the use of equipment to limit movements to prevent self injury or harm to others.
- **Environmental restraint** – designing the environment to limit people's ability to move as they might wish e.g. door locks, electronic key pads, or not providing mobility aids.
- **Chemical restraint** – the use of drugs and prescriptions to change or moderate peoples' behaviour.
- **Forced care** – the act of forcing someone to receive care e.g. food, medication, clothing etc.
- **Threatening or verbal intimidation** – could be used to make a person subservient or scared or could be acts calculated to lead people to believe that they have no option but accept the care they receive.
- **Electronic surveillance** – e.g. electronic tags, exit alarms, CCTV, pressure pads etc.
- **Cultural restraint** – e.g. constantly telling a person not to do something, or that what they want to do is dangerous, or having to go to bed, eat meals etc to suit staff.
- **Medical restraint** – fixing of medical equipment e.g. catheters to deliberately restrict movement.

4.9 Some of the above are unacceptable in any circumstances e.g. intimidation or medical restraint, whilst others may be acceptable in particular circumstances to particular degrees.

## 5 Legal Framework – relevant legislation

5.1 The Human Rights Act 1998.

Article 3 prohibits torture and inhuman or degrading treatment;  
Article 5 acknowledges that everyone has the right to liberty and that it should only be restricted if there is specific legal justification;  
Article 14 outlaws discrimination of all types.

5.2 Mental Capacity Act 2005.

5.3 Designed to protect people who lack the ability to take decisions for themselves.

There are 5 key principles:

- A person is assumed to have capacity
- People must be helped to make decisions
- Unwise decisions do not necessarily mean lack of capacity
- Decisions must be taken in the person's best interest
- Decisions must entail the least possible restriction of freedom.

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The Act defines restraint and gives criteria that need to be met for restraint to legally occur, they are:

- The person lacks capacity and it will be in the person's best interest *and*
- It is reasonable to believe that it is necessary to restrain the person to prevent harm to them *and*
- Any restraint is a proportionate response to the likelihood of the person suffering harm and the seriousness of that harm.

5.4 Other relevant legislation and guidance is:

- Care Standards Act 2000
- Care Homes Regulations 2001
- Domiciliary Care Agencies Regulations 2002
- Guidance for restrictive physical interventions. How to provide safe services for people with learning disability and autistic spectrum disorder. DH 2002
- Independence, choice and risk a guide to best practice in supported decision making. DH 2007
- Mental Health Act Code of Practice (Chapter 15). Revised 2008
- Services for people with learning disability and challenging behaviour or mental health needs. Mansell Report. DH 2007
- A summary of the key policy principles on physical interventions. British Institute of Learning Disabilities (bild)
- Guidance for inspectors: How to move towards restraint free care. CSCI 2007
- Deprivation of Liberty

## 6 Implementation

6.1 This Policy will be supported and implemented by the development and publication of Standards (requirements), Procedures (how to) and Guidance (advice) produced by each service area.

6.2 Each service area should identify individual service users who are likely to present With challenging behaviour and ensure that full assessment, risk assessment and care plan (which gives specific guidance to staff on how to prevent and manage challenging behaviour) are all in place.

6.3 Attention should be paid to any general as well as specific environmental factors and steps taken to minimise potential environmental triggers.

6.4 Specific training, guidance and support is given to staff to assist them to manage challenging behaviour. Each service area should agree what that training should be.

## 7 Roles and Responsibilities

The overall responsibility for \* within WBC rests with \*.

7.1 WBC has established a \* Committee (top-level management steering group), chaired by Head of \* and including \*, \* and other relevant stakeholders to support the \* framework and periodically review the \* Policy.

7.2 The responsibility for day-to-day management of \* throughout West Berkshire Council rests with the Head of \*, they are also responsible for maintaining this Policy, for

## Appendix C

reviewing all other security policies and procedures and for providing advice and guidance on their implementation.

7.3 All managers are directly responsible for implementing this Policy and any sub policies and procedures within their service areas, and for the adherence of their staff and others (2.1.).

7.4 All personnel detailed at 2.1. and 2.2 have an individual responsibility to adhere to this Policy and any relevant Standards and/or Procedures.

### 8 Failure to comply with WBC \* Policy

8.1 This document provides staff and others with essential information regarding \* and sets out conditions to be followed. It is the responsibility of all to whom this Policy document applies to adhere to these conditions. Failure to do so may result in:

- withdrawal of access to relevant services
- informal disciplinary processes
- formal disciplinary action (in accordance with Section \* of the Employee Handbooks)

8.2 Additionally if, after internal investigation, a criminal offence is suspected (for example under \* act ), the Council may contact the police or other appropriate enforcement authority to investigate whether a criminal offence has been committed.

### 9 Review

9.1 This policy will be reviewed to respond to any changes and at least every \* years.

9.2 The Service/Committee/Group responsible for reviewing and maintaining this Policy is \*.

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### 10 Glossary

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### 11 Other Relevant Documentation

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<h1>Guidance for service areas on the development of service-specific Lone Working procedures</h1>	Reference: * Version No: *.* Issue Date: * Classification: *
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## Related Documents

Reference	Title	Tier
	Protection of Staff Policy	
	Procedure and Guidance on Managing Violence and Aggression against Staff	
	Recording of Clients of Concern Policy and Procedure	

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## Purpose

- 1.1. This purpose of this guidance is to provide advice and information from which service areas can develop lone working procedures specific to their operations.
- 1.2. The Council has defined lone working as any situation where a member of staff is engaged in a solo activity out of sight and hearing range of others, where they may potentially be exposed to unacceptable risk.
- 1.3. Examples of lone working could include:

- Working in a fixed establishment with no other persons on site, or when others may be elsewhere on site
- Working in a remote location, including outdoors
- Working on other employers' premises
- Traveling in the course of work (i.e. other than home to work) to visit customers/clients/sites away from the workplace

*(NB: Lone working does not include working from home, for which other procedures apply – please see the Mobile and Flexible Working Policy and Procedure)*

- 1.4. Examples of jobs where lone working may be involved include:

- Social Workers
- Education Welfare Officers
- Civil Enforcement Officers
- Maintenance staff
- Highways staff
- Countryside Rangers
- Planning Officers
- Building Control Officers
- Trading Standards Officers
- Environmental Health Officers

- 1.5. It is the responsibility of line managers to ensure the safety of staff working alone, away from the workplace or travelling in the course of work.

- 1.6. Heads of Service must ensure lone working procedures and safe systems of work are established for each service area, where applicable. All service-specific lone working procedures should include a section on how employees are expected to respond to emergency situations.

1.7. Where an individual/post is designated as lone working, the additional hazards involved must be included within the job risk assessment. See section 5 for further details.

## **2. Guidance for circumstances where employees are visiting clients/customers away from the workplace**

2.1. Employees who are visiting clients in premises away from the workplace (e.g. the client's home) should ensure high standards of conduct are maintained and ensure appropriate steps are taken to minimise risk. Below are examples of good practice:

- Before making a visit, employees should check the Clients of Concern register and if the client is listed, consult with the gatekeeper making that entry, to obtain a full assessment of risk to their personal safety. In addition employees must carefully check their own services' records.
- Where there is potential for a violent or aggressive situation, the employee must then consult with his/her manager prior to any visit and develop a plan for the visit, and if necessary, undertake the visit with a colleague or abandon the visit in preference to the client attending the council offices.
- Employees should undertake basic safety precautions, appropriate to the circumstances - e.g. conceal all valuables, ensure clothing/attire is appropriate, wear personal protective equipment if required, consider where the car is parked in relation to the destination, plan the route, check radios/telephones/other safety equipment is working.
- On arrival, employees should introduce themselves to the client/customer and produce their identity card
- Employees should explain the purpose of the visit to the client/customer and give an indication of how long the visit is expected to take
- Employees should ask the client/customer to inform other occupants of his/her presence
- Employees should tell the client/customer if he/she expects to leave the premises and when he/she expects to return
- Employees should remain close to the entrance/exit door of a client's property if there is any potential for violent behaviour. Where possible, discussions could take place at the doorstep or within the entranceway lobby or hallway.
- Where appropriate, on departure the employee should make the premises safe (for example, if undertaking maintenance work) and remove equipment or materials
- Where appropriate, the employee should inform the client/customer when the work will be completed/whether follow-up work will be required



- 2.2. When making a visit, employees should be helpful at all times and where possible answer questions and queries raised. If a client/customer's manner is aggressive or abusive, arguments or confrontation should be avoided.
  - 2.3. If the employee is unable to answer the query, he/she should give the contact details of a Council employee who may be able to help.
  - 2.4. Should a situation appear to escalate, or if there are warning signs of potential danger, the employee should leave the premises and report the incident to the line manager
  - 2.5. Where an incident of violence or aggression occurs, the line manager must advise the Head of Service who should ensure a record is made on Webrisk (the Council's incident reporting system).
  - 2.6. Where a significant incident occurs, or where an escalation of aggression occurs, the Head of Service must ensure a prompt review meeting is held, involving all relevant staff, to review procedures and make changes to Lone Working Procedures/Safe Working Practices where appropriate. Any changes must be communicated to all staff.
  - 2.7. Where appropriate, the Head of Service will ensure an entry is made on the Clients of Concern register.
- (NB: see also Procedure and Guidance on Managing Violence and Aggression against Staff and Recording of Clients of Concern Policy and Procedure for supplementary information on points 2.4 to 2.7).*
- 2.8. Where employees are away from the work base for prolonged periods or visiting a number of different places/clients, line managers should ensure effective communication systems are established. These should log the movements of the employee and ensure that communication with the employee is maintained on a regular basis (maximum interval of 3 hour, but more frequent contact is required when staff are inexperienced). Systems should include procedures to take action when a call/signal from the lone worker is not received at the appropriate interval.
  - 2.9. Employees should carry a mobile phone and/or pager, call into a designated person in the office at prescribed intervals and provide updates when circumstances change, all of which must be recorded in an Office Diary System/Out Board system. If an employee does not have or is unwilling to use their own mobile phone, a WBC phone should be provided for this purpose or arrangements made for a reverse charges call.
  - 2.10. The employee must also report the time he/she finishes work. There must always be a designated person in the office to take these calls. If visits are made outside of normal working hours, arrangements are needed to use the Council's appointed monitoring station as an alternative.
  - 2.11. In addition to the communication systems described in 2.8 to 2.10, line managers should consider whether it may also be appropriate for the employee to carry an attack alarm or operate a Personal Safety Monitoring System (e.g. INFORM) or a Blackberry fitted with tracking software.

2.12. Where an employee is attending a site where dangerous dogs may be present, a Dog Dazer must be carried.

### 3. Guidance for circumstances where employees are handling money

3.1. There is an increased risk of violence and/or assault on employees when carrying money. The requirement to handle money while working alone should therefore be avoided.

3.2. If there are circumstances where an employee is working alone and carrying money, and confronted by a potentially violent or aggressive situation, he/she should hand the money to the perpetrator.

3.3. For more information please see the Procedure and Guidance for managing violence and aggression against staff.

### 4. Guidance on Developing Safe Working Systems

4.1. Lone workers face particular problems and, when designing working systems, line managers should consider the following:

<p><b><i>Can the risks of the job be adequately controlled by one person or are more people necessary?</i></b></p>	<p>Lone workers should not be exposed to significantly higher risks than staff who work together. Precautions should take account of normal working conditions and foreseeable emergency situations. Identify all places where staff work alone and ask:</p> <p>Does the workplace present a special risk to the lone worker?</p> <p>Is there safe access and exit for one person?</p> <p>Can one person safely handle any temporary access equipment (e.g. portable ladders, trestles etc)?</p> <p>Can all plant, substances and goods involved in the work be handled safely by one person? Can one person be expected to safely lift such items, if necessary?</p> <p>Will cash be handled and will there be any risk of violence?</p>
<p><b><i>Are there any reasons that would make it unsafe for an employee to work alone? (e.g. medical conditions, a known disability)</i></b></p>	<p>Advice can be sought from the Occupational Health Advisor, via the Human Resources Operations team, where appropriate.</p>
<p><b><i>What training is needed to ensure proficiency in safety</i></b></p>	<p>Training is particularly important where there is limited access to supervision. Lone workers need to fully understand the risks involved in</p>

<b>matters?</b>	<p>their work and understand how to take necessary precautions. Service area procedures must set limits to what can and cannot be undertaken when working alone and specify how employees should act in circumstances which are new, unusual or beyond the scope of training/experience.</p>
<b>How will the employee be supervised?</b>	<p>Lone workers cannot be under constant supervision, but appropriate control must still be provided. The extent of the supervision required will depend on the proficiency and experience of the employee and the risks involved. New/inexperienced employees or those doing roles with a higher level of risk will require higher levels of supervision.</p> <p>It is for the line manager to determine the level of supervision required – not for the employee to determine when supervision is needed.</p> <p>Safety supervision can generally be carried out when visits are made to check the progress and quality of the work. The line manager may chose to make periodic site visits coupled with discussions in which safety issues are addressed.</p>
<b>What happens if a person becomes ill, has an accident or there is an emergency?</b>	<p>Lone workers must be capable of responding correctly in emergency situations. Emergency procedures should be established by the service area as part of the service-specific Lone Working Procedure, and staff should be trained to implement them. (This information should also be given to solitary contract workers who work on Council premises).</p> <p>Lone workers should have access to adequate first aid facilities and mobile workers should have a first aid kit suitable to treating minor injuries.</p> <p>Suitable systems should be devised to monitor the condition of lone workers (see 2.8 and 2.9)</p>

## 5. Guidance on undertaking Risk Assessments

5.1. Risk assessments must be undertaken by WBC trained Risk Assessors and agreed by service/line managers in relation to staff identified as undertaking lone working. This is a legal requirement and Heads of Service must determine who,

among their staff, should be covered by this requirement. Advice can be sought from the Health and Safety team.

5.2. Support material for WBC trained risk assessors is available on the Health & Safety for staff webpages.(see page 1023) .

## **6. Training and Support for Employees**

6.1. Employees who are identified by their service manager/Head of Service as lone workers must undertake relevant training upon use of any special equipment provided (alarms, Blackberry etc) and procedures for contacting their own service area or the appointed Monitoring Station .

## **7. Development and Communication of Service Specific Lone Working Procedures**

7.1. Once controls over risks to lone workers are agreed by each service area, they must be listed within a 'service specific' risk assessment, a copy of which is to be provided to all Lone Working officers and posted into the Idrive/XSERVICE/'Risk Assessments for-Sharing' folder, so that other services may compare & contrast their risk control procedures.

7.2. Service-specific Lone Working procedures should be reviewed by the service area at regular intervals, and also when a serious incident occurs.

7.3. Line managers must ensure all lone working employees receive a briefing in the use of the procedure, and this should be included as part of the induction process for all new staff, where relevant.

7.4. Where changes are made to the procedure, service areas should ensure the changes are communicated to all relevant employees.

7.5. Line managers must monitor from time to time that agreed lone working procedures are indeed being followed by the staff concerned.

<b>Recording of Clients of Concern Policy and Procedure</b>	Reference: *
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### Related Documents

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	Procedure and Guidance on Managing Violence and Aggression against Staff	
	Policy and Procedure for the Recording of Clients of Concern	

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## **1. Policy**

- 1.1. West Berkshire Council is committed to minimising the risk of assault to employees operating away from Council Offices.
- 1.2. In order to balance the requirements of the Council to protect employees with the legitimate rights of the public, the policy of West Berkshire Council is to undertake record-keeping measures to ensure staff are aware of those persons who are known to pose or suspected of posing a risk to the safety of employees.
- 1.3. Records of such individuals will be maintained on a register (known as the 'Clients of Concern' register).
- 1.4. The Council recognises that personal data processed within the records of people likely to pose a risk to staff constitutes 'sensitive' personal data, as defined in section 2 of the Data Protection Act 1998. The procedure that accompanies this policy has been written to ensure collation and storage of the data is controlled and complies with the requirements of the Act.
- 1.5. The measures outlined in this policy and procedure form part of a wider remit to maintain the Health and Safety of WBC employees and should be used in conjunction with the Protection of Staff policy, the Procedure and Guidance for Managing Violence and Aggression against Staff and Guidance for service areas on the development of service-specific Lone Working procedures.
- 1.6. The Chief Executive and Corporate Board have approved the Recording of Clients of Concern Policy and Procedure.

## **1. Applicability**

- 1.1. This Policy applies to:
  - 1.1.1. All non-school based employees working for the Council, including those working from home or at non-Council locations.
  - 1.1.2. Other persons including Elected Members, consultants, agency staff and contractors working for the Council, external organisations working with the Council, whilst engaged on Council business .
- 1.2. This Policy has been the subject of consultation with Heads of Service and trade unions and has been ratified by the Council's Corporate Board.

## **Roles and Responsibilities**

- 2.1. Heads of Service have overall responsibility for ensuring the recording of clients of concern is managed appropriately in accordance with this agreed procedure within their service areas. The specific responsibilities of Heads of Service are detailed in the relevant sections of the procedure.

- 2.2. The Health and Safety Team are responsible for maintaining this policy and procedure and for providing advice and guidance on implementation. The Risk and Safety Manager also has a key role in the management of the Clients of Concern database (see section 3).
- 2.3. It is the responsibility of each employee and other person mentioned in Section 2.1. to familiarise themselves with and adhere to this policy and procedure.
- 2.4. In particular, where an employee, or other person included in 2.1 of this policy/procedure, becomes aware of a client of the Council whose behaviour, either actual or threatened, poses a risk to the health or safety of Council employees, he/she must report the details of the incident to his/her line manager or other senior officer in the relevant service area.
- 2.5. In addition, employees who, given the nature of their statutory responsibilities, may expect to experience conflict with clients during the course of their duties, will be given access rights to the Clients of Concern Register and must check the register prior to making a visit to a client's premises.
- 2.6. All employees who have access to the Clients of Concern Register have specific responsibilities under the Data Protection Act and must ensure compliance at all times.
- 2.7. In addition, 'Gatekeepers' have specific responsibilities with regard to the Clients of Concern Register (see section 4 for more detail on the role of Gatekeepers).

### **Responsibility for the Management of the Clients of Concern Register**

- 3.1. The purpose of the Clients of Concern Register is to record details of clients who are known to pose, or who are suspected of posing, a threat to the safety of West Berkshire Council employees. The Register can be used as a measure to protect the safety of employees who are required to visit clients away from Council offices.
- 3.2. Management of the Clients of Concern Register is the responsibility of the Clients of Concern Group.
- 3.3. This Group comprises nominated 'Gatekeepers', who represent relevant service areas, and the Health and Safety Manager.
- 3.4. Any changes to the management of the Register must be approved by the Clients of Concern Group.

### **The Role of Gatekeepers**

- 4.1. Gatekeepers within each relevant service area are responsible for the maintenance and operation of the Register within their service area. The Gatekeeper will create, edit, delete and view records of individuals held on the Register.
- 4.2. Due to the nature of the role, the gatekeeper must understand the sensitive nature of the records and the need to comply with the Data Protection Principles (see Section 7 below).
- 4.3. The gatekeepers must also understand that the implications of any failure to accurately record details of any persons likely to pose a risk to staff are very



serious for both individual employees and the Council as a whole. Failure of a gatekeeper to adhere to this policy and procedure may result in disciplinary action.

- 4.4. Heads of Service nominate gatekeepers for their service areas and ensure this list is maintained. The Head of Service will also notify ICT, who will provide gatekeepers with appropriate access rights to the database.
- 4.5. The Head of Service must also ensure the gatekeepers are aware of, and comply with, the Data Protection Principles in section 7.
- 4.6. A gatekeeper must ensure reasons for the inclusion of an individual on the Clients of Concern Register are maintained (see 5.7) and, where required, must be prepared to justify to the Clients of Concern Group, or the Information Commissioner, why a record has been maintained.
- 4.7. A gatekeeper is also responsible for maintaining the accuracy of each record he/she inputs onto the register and is also responsible for reviewing the continuing retention of each record (see Section 6 - Undertaking a Review).

### **Including a record onto the Clients of Concern Database**

- 5.1. Gatekeepers within each relevant service area are responsible for inputting records of individuals onto the database.
- 5.2. Where an employee, or other person included in 2.1 of this policy/procedure, becomes aware of a client of the Council whose behaviour, either actual or threatened, poses a risk to the health or safety of Council employees, he/she must report the details of the incident to his/her line manager or other senior officer in the relevant service area.
- 5.3. Examples of such behaviour could include, but not be limited to:
  - Threats of violence
  - Physical assault
  - Sexual assault
  - Verbal abuse
- 5.4. The line manager/appropriate senior officer should record the incident, using their service areas' normal method of record keeping but then, in consultation with the head of service, instruct the gatekeeper to make an entry onto the Clients of Concern Register, selecting one of the 'drop down' classification of risk available (Physical, Verbal, Sexual, Other).
- 5.5. Where a record of the individual is to be maintained on the Clients of Concern Register, the Gatekeeper should record the following details within their own record keeping system:
  - The name of the person posing the risk
  - The address at which they reside

- The classification of the risk posed.
- The degree of risk posed to council officers and why.
- The name of the Head of Service making the decision to record
- The date on which the record was made
- *Note – section 8.6 also refers to an Owner of the record – not sure who this is and how they would fit into the process to determine who should be included on the database – could this be clarified?*

5.6 Each time a new entry is made into the register by a gatekeeper, he/she shall alert other service's gatekeepers to the new entry by emailing the Gatekeeper distribution group

### **Undertaking a Review of Records on the Clients of Concern Database**

6.1. A gatekeeper is responsible for reviewing each record he/she inputs onto the Clients of Concern Register. Heads of Service are responsible for ensuring this happens.

6.2. Review intervals for each record held on the database should not exceed 6 months. Factors a gatekeeper, in consultation with a senior officers currently dealing with that client, should take into account when determining whether a record should continue to be retained include:

- An assessment of the level of violence of the incident which led to a record being made
- The gravity of the incident
- The length of time that has elapsed since the original incident
- The previous and subsequent behaviour of the individual
- Whether the incident was likely to have been a 'one-off'
- Whether it is likely that the individual will become violent again
- Any changes in the condition of the premises where the incident occurred
- The continues presence of dangerous animals at the premises, where applicable
- Changes of address

6.3. The gatekeeper should ensure the date of the review and the outcome are recorded on the Register.

## **7. Data Protection**

7.1. The items recorded on the Clients of Concern register constitute 'sensitive personal data' as defined in section 1(1) and section 2 of the Data Protection Act 1998 (the Act).

7.2. Gatekeepers will ensure they comply with the following eight data protection principles:

- Personal data shall be processed fairly and lawfully
- Personal data shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose/those purposes
- Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed
- Personal data shall be accurate and, where necessary, kept up to date
- Personal data processed for any purpose or purposes shall not be kept longer than is necessary for that purpose or those purposes.
- Personal data shall be processed in accordance with the rights of data subjects under this Act
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensure an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

7.3. The gatekeepers should attend the 'Using Information at West Berkshire Council' training course to obtain further training on the Data Protection Act and the management of data.

## **8. Access to records – Authorised Users**

8.1. Access to records held on the Clients of Concern Register will only be available to staff who have a legitimate reason to access the information – i.e. the personal safety of those staff would be endangered if access to the Register was not granted.

8.2. Such staff are likely to be employees who, given the nature of their statutory responsibilities, may expect to experience conflict with clients during the course of their duties, due to having to visit clients in their own homes or upon their own business premises.

8.3. Access rights to the Register are determined by the relevant Head of Service who will notify ICT to provide the appropriate access for the designated employees. The Head of Service will ensure any changes to employee status are notified to ICT

immediately (e.g. where an employee moves role, to one where access to the database is not required).

- 8.4. The Head of Service must ensure employees with access rights to the Clients of Concern register are made aware of responsibilities under the Data Protection Act, and employees should attend the 'Using Information at West Berkshire Council' training course. In essence, an authorized user of the register must not share the data with any external agency or any other West Berkshire Council employee (or contractor) unless that person has likewise been authorized to use it, given the nature of their job. A list of authorised users are to be held electronically with the register i.e. within the same Excel 'workbook'.
- 8.5. Prior to attendance at a premise, authorised users must check the Clients of Concern Register for the existence of records of a person posing a risk. Where such a record exists, he/she must make contact with the relevant gatekeeper, listed with that record, **before** attempting to visit that client.
- 8.6. Having consulted with the relevant gatekeeper regarding their service team's current estimation of risk involved with visiting that client, the authorised user can then make an informed decision as to whether their personal safety is likely to be compromised by making a lone visit to that client.
- 8.7. Where the authorised user does feel that their Personal Safety may be compromised, he or she should either take a fellow officer or a police officer with them on that home / business premises visit. Alternatively, where possible, the authorised user should require the client to come to an appointment at the council offices, whereby a meeting can be held with two officers, within a suitable meeting room, ideally equipped with a security alarm.
- 8.8. Responsibility for the Clients of Concern Register.
- 8.9. The overall responsibility for the Clients of Concern Register and the system of authorised access to and use of the data will be that of the Risk & Safety Manager.
- 8.10. The Risk and Safety Manager will regularly monitor the content of the register to ensure that review dates are not being exceeded by any particular gatekeeper.
- 8.11. The Risk and Safety Manager will also periodically check that gatekeepers and authorised users are able to easily access the register and make new entries where necessary.
- 8.12. The Risk and Safety Manager will also promote the use of the register for all service areas where staff are required to undertake home or business premises visits to clients, in the interests of their personal safety.

## Appendix F

<b>Record of Risk Assessment</b>	Activity, procedure or workplace being assessed: <b>Violence / Aggression / Lone Working</b>		
	Assessed by:	Service:	Date:



Stage 1		Stage 4		Stage 5			Stage 6			Stage 7		
List significant hazards and effects.		Describe hazard control measures in place.		Likelihood	Severity	Risk rating	Identify any further controls required.			Likelihood	Severity	Risk rating
				L	S	LxS				L	S	LxS
1.	Inadequate planning / preparation	Staff have been given appropriate training. There is a formal Lone Working policy in place and Staff are aware of the formal procedures. Arrangements are in place for staff to raise any concerns										
2.	Specific staff at risk e.g. New or expectant mothers or individuals with medical conditions.	Procedure in place for assessing the specific risks associated with these individuals. Where it can be avoided, lone working is eliminated. Where it cannot be avoided, appropriate monitoring arrangements are in place.										
3.	Inadequate arrangements for staff working early / late / weekends / holidays.	The formal Lone working policy and procedures cover this situation. All windows and external doors remain secure whilst individuals are lone working to prevent unauthorised access.										
4.	Inadequate means of communication	Staff have access to a means of communication whilst lone working (e.g. mobile phone or 2-way radios) They have access to relevant contact details. There is regular communication between lone worker and responsible person.										
5.	Inadequate reporting in / out procedures	Lone worker is responsible for making arrangements with a responsible person. Details should include time of arrival and expected return.										
6.	Transport	Staff have been made aware of good practice regards parking of their vehicles, e.g. in well lit, open areas and as near to the entrance to the premises as possible, avoid cul-de-sacs / potential hiding places and position car in direction to be driven away. When walking staff instructed to take safest route.										
7.	Home Visits	Staff do not make home visits. Where home visits are carried out a preliminary visit is undertaken by two members of staff to familiarise themselves with the premises. Background checks are made to ensure no history of violence or verbal abuse to Local Authority staff. Dogs should be kept secure.										
8.	Conducting interviews	Where possible lone working is avoided. Background checks are made to ensure no history of violence or verbal abuse to Local Authority staff. Potential 'weapons' or 'missiles' are removed from interview areas. There is an effective means for raising an alarm and staff are aware how to respond.										

<b>Record of Risk Assessment</b>	<b>Continuation sheet.</b> Use this page to continue with the Risk Assessment	Date:
	Upon completion, copy and discuss these findings with the Line Manager or their nominated representative.	

Stage 1		Stage 4		Stage 5			Stage 6			Stage 7		
List significant hazards and effects.		Describe hazard control measures in place.		Likelihood	Severity	Risk rating	Identify any further controls required.			Likelihood	Severity	Risk rating
9.	Violence / Physical attack	Staff have been given appropriate training for handling potential violent situations. Personal attack alarms are available. Staff are familiar with reporting procedures, i.e. webrisk.										
10.	Attending to alarm call outs	School uses out of hours security / alarm company that will attend any call out. Where staff attend call outs, there are arrangements in place to inform others of site visit and that an alarm is raised in the event of an accident / incident.										
11.	Hazardous Activities e.g. Working at height, handling or transporting large amounts of cash.	Staff instructed to avoid hazardous activities whilst lone working.										

<b>Stage 2:</b> Indicate if additional assessments req.	Mobility Assistance <input type="checkbox"/>	DSE <input type="checkbox"/>	COSHH <input type="checkbox"/>	PPE <input type="checkbox"/>	Noise <input type="checkbox"/>	Fire <input type="checkbox"/>	Asbestos <input type="checkbox"/>	Other;
<b>Stage 3:</b> Indicate who could be harmed as a consequence of any of the above hazards?	WBC staff <input type="checkbox"/>	Public / Visitors <input type="checkbox"/>		Cleaners / Security <input type="checkbox"/>		Contractors <input type="checkbox"/>		Other ↓
	Pregnant person(s) <input type="checkbox"/>	Disabled <input type="checkbox"/>		Young Persons (under 18) <input type="checkbox"/>		Children (under 16) <input type="checkbox"/>		

<b>Stage 8 Approval</b>	Forward and discuss this Assessment with line manager. Ensure any further controls will reduce the risk to reasonably practicable level. Date risk assessment agreed / actioned:		
	Line Manager Signature:		
<b>Stage 9: Distribution</b>	Verify all stages complete and distribution implemented. Line Manager Signature:		Date verified and distributed:

<b>Record of Risk Assessment</b>	<b>Continuation sheet.</b> Use this page to continue with the Risk Assessment	Date:
	Upon completion, copy and discuss these findings with the Line Manager or their nominated representative.	

1 <sup>st</sup> Review Date:	Signed:	3 <sup>rd</sup> Review Date:	Signed:
2 <sup>nd</sup> Review Date:	Signed:	4 <sup>th</sup> Review Date:	Signed:

Likelihood		Severity	
4	Almost certain	4	Substantial: Major RIDDOR
3	Likely	3	Moderate: over 3-day injury
2	Unlikely	2	Minor: Non RIDDOR
1	Highly unlikely	1	Trivial: No significant injury

<b>Severity</b>	4	4 Moderate	8 Substantial	12 Intolerable	16 Intolerable
	3	3 Tolerable	6 Moderate	9 Substantial	12 Intolerable
	2	2 Trivial	4 Tolerable	6 Moderate	8 substantial
	1	1 Trivial	2 Trivial	3 Tolerable	4 Moderate
			<b>1</b>	<b>2</b>	<b>3</b>
<b>Likelihood</b>					

Risk classification in action	
<b>Intolerable</b>	Cease this work immediately. Make task/area safe. Inform Service Head now.
<b>Substantial</b>	Not tolerable. Allocate suitable resources directly. Seek professional advice.
<b>Moderate</b>	Start or continue to monitor to ensure existing controls are maintained.
<b>Tolerable</b>	Resume, but continue to monitor to ensure existing controls are maintained.
<b>Trivial</b>	No further action required (i.e. existing safety controls are satisfactory).

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