Southwark Council

Procedures Following
Violence, Aggressive Behaviour or Harassment
Towards Employees
# CONTENTS

<table>
<thead>
<tr>
<th></th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. APPLICATION</td>
<td>3</td>
</tr>
<tr>
<td>2. DEFINITIONS</td>
<td>3</td>
</tr>
<tr>
<td>3. PROCEDURE</td>
<td>3</td>
</tr>
<tr>
<td>4. LEGAL ASSISTANCE</td>
<td>3</td>
</tr>
<tr>
<td>5. VIOLENCE INVOLVING FAMILY MEMBERS</td>
<td>3</td>
</tr>
<tr>
<td>6. MONETARY IMPLICATIONS</td>
<td>3</td>
</tr>
<tr>
<td>7. COUNSELLING</td>
<td>3</td>
</tr>
<tr>
<td>8. CURTAILMENT OF SERVICE TO SERVICE RECIPIENT ON GROUNDS OF SAFETY</td>
<td></td>
</tr>
<tr>
<td>9. POOLING OF INFORMATION</td>
<td>9</td>
</tr>
<tr>
<td>10. MONITORING AND REVIEW</td>
<td>9</td>
</tr>
<tr>
<td>11. DISCLAIMER - RE: LEGAL REPRESENTATION</td>
<td>3</td>
</tr>
</tbody>
</table>
1. **Application**

1.1. These procedures cover all employees of Southwark Council who are subjected to violence in circumstances relating to their work. It also covers employees who are assaulted or harassed because of a connection with Southwark Council. Where employees are subjected to non-physical attacks from another employee, the respect at work procedure should be used.

1.2. For the purposes of these procedures the term “family” shall be held to include the employee’s partner, parents, children (including step children, adopted children and children of unmarried parents), brother, sister or any person wholly or substantially supported by the employee or who is permanently residing with the employee.

1.3. For all employees, except Chief Officers, the immediate supervisor/line manager will implement the procedure. For Chief Officers the procedure will be implemented by the Chief Executive and the Council's Legal Advisers.

1.4. These procedures are adopted as Health and Safety procedures. Accordingly the Council reserves the right to alter, amend, add to or withdraw this procedure or any part of this procedure at any time. Consultation will be carried out in accordance with the Safety Representatives and Safety Committee Regulations 1977 and the Health and Safety (Consultation with Employees) Regulations 1996.

2. **Definition**

2.1. The definition of violence in respect of this procedure is as follows:

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

This includes all forms of harassment or bullying or victimisation which may be verbal abuse or threats (including those conveyed via social media), or actual damage to a person or their property, and may on the basis of, but are not restricted to, a protected characteristic¹ or trade union membership

¹ **Protected characteristics** - under the Equality Act 2010 there are nine characteristics that are protected from discrimination; age, disability, gender reassignments, marriage & civil partnership, pregnancy & maternity, race, religion & belief, sex, sexual orientation

3. **Procedure**

3.1. Any employee, who suffers violence and believes their safety is in jeopardy, is, where reasonably practicable, instructed to leave the vicinity, to a place of safety as soon as practical.

3.2. Any employee who suffers violence in circumstances relating to their work must inform their line manager of the incident. This will enable advice/support to be
provided and further action to be taken to ensure so far as is reasonably practicable the safety of all employees where further contact with the perpetrator be necessary.

3.3. In the cases of threatening comments, or those which may be seen as discriminatory to those with a protected characteristic, if possible, the employee should explain such conduct is not tolerated and ask for a retraction. If this request is declined, the employee should inform an appropriate manager. (In cases where it is an employee who makes such a remark, Southwark’s respect at work procedure should be followed.) The manager should again state that such conduct is not tolerated, that a retraction is required, and that failure to do so will result in the ending of the meeting. If this does not happen, the offender should be asked to leave. If the offender refuses to leave when requested to do so, trespass will have occurred and the manager should take action as appropriate. The Police will be called if felt necessary or if the employee so wishes.

3.4. If the incident occurs during a telephone conversation, the caller should be challenged as above. If this does not defuse the situation, the caller should be informed that the conversation will not be continued and the phone call should be terminated and a file note made to that effect.

3.5. Employees working away from their recognised workplace and who are not under direct supervision should be given clear instructions as to who should be contacted when they are subjected to violence. Where possible these employees will be supplied with a mobile phone.

3.6. The employee should be advised to make reference to the policy for dealing with complaints of acts of discrimination/harassment and victimisation, if this is felt to be more appropriate in the circumstances.

3.7. Where it is necessary for an employee to attend a police station, a manager should accompany them. This can be done by the manager, a trade union representative or a colleague of their choice subject to the exigencies of the service.

3.8. Line management shall, discreetly and sensitively, inform the nominated friend/relative in cases where hospital treatment is necessary or if requested by the employee.

3.9. Line management will interview the employee and ensure that an accident/incident report form is been completed. The employee must sign the form and may make comment. This should be completed as soon as possible but within 2 days of the incident. If the employee is off sick, consideration should be given to visiting the employee at home. A trade union representative or a work colleague of their choice may accompany the employee.
3.10. Certain departments require documentation other than the accident report form to be completed (e.g. a critical report form). Managers should ensure that all employees are aware of all the documents that must be completed.

3.11. Managers, in conjunction with employees and/or agencies, should as soon as possible following an incident, address the work or casework implications, review the risk assessment and take any protective action.

3.12. Line management will then decide the appropriate course of action and will consider the following options:

- provision of temporary alternative work
- transfer to another area/workplace providing a suitable alternative is available.

3.13. These may be requested by the employee. Where reasonably practicable, the employee should not have to deal directly with the assailant again. However, it is accepted that this is not always possible.

3.14. Line management will submit the report(s) of the incident to the Departmental HR Manager, the Departmental Safety Manager and where appropriate the Trade Union Branch Secretary. Where this incident arises out of and in connection with work and results in absence of more than seven days from normal work, notification must be made to the Health and Safety Executive by the Departmental Safety Manager, as soon as possible, as set out in departmental accident reporting procedures.

3.15. Where there has been aggressive behaviour, management should consider sending a formal letter to the individual concerned, warning that legal action may be taken in future and indicating expected behaviour in the future. Advice on the contents of this letter should be sought from the Council's Legal Advisers. Where continued threats are being made, consideration should be given to withdrawal of the service or an injunction. Each service should have clear guidelines setting out the criteria to be used if withdrawal of the service is considered. (See also Section 8)

3.16. It should be noted that the reporting arrangements detailed in paragraphs 3.9 and 3.14 apply in all cases of violence, including verbal abuse in person and on the telephone or email or conveyed through social media outlets to allow for adequate monitoring.

4. **Legal Assistance**

4.1. All Managers should encourage employees to report any incident of assault sustained at work, to the Police

4.2. Where the Police are unable to act upon the matter, e.g. as in the case of common assault, consideration should be given as to whether the employee concerned wishes to pursue such an action in his/her own name. If this course of action is decided upon, the matter will be referred to Council's Legal
Advisers. If deemed necessary, a legal representative will arrange an interview with the employee to confirm the details of the incident and any other relevant information required. The employee has the right to be accompanied by a trade union representative or a work colleague of their choice.

4.3. A legal representative will inform the employee of their decision regarding the case, taking full account of the employee’s wishes, and confirm in writing reasons and any processes to be followed. This must be completed within one week of the incident occurring.

4.4. If the Council’s Legal Advisers agree there is a case to be answered, they advise that a firm of Solicitors is appointed to deal with the matter. An undertaking must be given by the employee to reimburse the Council in the event of the recovery of the whole or any part of the costs incurred. (Appendix I)

4.5. Any correspondence sent to the alleged offender should have the agreement of the Council’s Legal Advisers.

4.6. The manager will interview the employee within one week to ascertain if any further advice, support or action is required. A trade union representative or a work colleague of their choice may accompany the employee.

4.7. All Managers should ensure that employees are aware of the availability of legal advice in the event of them sustaining an assault or harassment at work.

4.8. All Managers, whether legal action is taken or not, have a responsibility to review the behaviour of the client/service user and if appropriate voice their concerns about a client/service user’s behaviour, (either verbally or in a letter to the client/service user), requesting that this behaviour cease.

5. **Violence involving Family Members**

5.1. Employees should notify management if a family member is subjected to violence as a result of employment with Southwark. Line management will investigate the incident and implement appropriate action.

5.2. Line management will notify the Council’s Legal Advisers. The assaulted family member may be entitled to receive legal advice as per Section 4.

6. **Monetary Implications**

6.1. Absences from work as a result of implementing these procedures, for example attendance at the Police Station, shall not result in any loss of earnings.

6.2. An employee will remain on full earnings of the substantive post in accordance with Council policy during any temporary alternative work. An average weekly earnings benefit can be paid under the Council’s Personal Accident Policy for temporary total disablement up to a maximum period of 104 weeks from the date of physical assault. Where this period exceeds the entitlement of the employee to sick pay then this may be payable to the employee direct, otherwise
payments received from the insurers will be used by the Business Unit concerned to offset sick payments made.

6.3. The Council’s Insurance Policy provides cover for all employees and volunteers working within the authority, in the event of an individual suffering permanent serious injury or being permanently incapacitated for work as a result of a violent incident. The scale of any payments relates to the severity of any injury sustained. Discretionary payments may be considered under the Injury Allowance Scheme for more minor injuries.

6.4. Compensation may be payable under the Council’s Personal Injury Allowance Scheme and/or the Council’s Insurance Policy. The appropriate form is available from the Departmental HR team.

6.5. Employees should report any damage to personal property as a result of an incident of violence so that arrangements can be made for consideration of an ex-gratia payment. A benefit under the Council’s Personal Accident Policy can be paid in respect of loss, destruction or damage of or to clothing and personal effects arising out of assault causing bodily injury. If no bodily injury has occurred, the employee can make a claim under the Council’s ex-gratia payment scheme.

7. Counselling
7.1. When there has been an incident of violence or aggressive behaviour, all managers should offer an employee the opportunity to receive counselling from the Council’s Occupational Health Service. It may be appropriate for the employee to attend a specialist counselling service, for example, if they have suffered sexual harassment or racial abuse. The Occupational Health Service will be able to advise on this.

7.2. All Managers should be alert to the possibility of an employee experiencing a delayed reaction and that help may be required sometime after an incident of violent or aggressive behaviour.

7.3. Managers should be aware that paid time-off within work time for counselling of this nature is available.

8. Curtailment of Service to Service Recipient on Grounds of Safety
8.1. Where a mandatory service is being operated, all Managers should attempt to seek ways of enabling the duties to be discharged whilst offering as much protection to employees as possible. For example, consideration should be given to the use of provisions such as Police escort, careful selection of interviewing venues, etc. Where the service is not a mandatory requirement or where the threat to the employee’s safety is so serious and unable to be managed in any other way, the Head of Service should be approached via appropriate Managers, to decide whether the service should be curtailed.
8.2. Where a service recipient has been suspended from a service due to violent behaviour, it is the responsibility of the Manager to hold a planning meeting prior to reinstatement.
9. **Pooling of Information**

9.1. There may be occasions when the sharing of information regarding individuals who are potentially violent or have aggressive tendencies could help prevent violence. This is a sensitive area, however; the question of complying with the Data Protection Act, confidentiality and the need to avoid “labelling” should be carefully and fully discussed with the relevant professionals. Nevertheless, relevant factual information can and should be recorded and shared.

10. **Monitoring and Review**

10.1. It is essential to monitor incidents of violence and aggressive behaviour. This will assist in determining the effectiveness of Council/local procedures and any control measures implemented as part of the risk assessment process. Accident/incident statistics presented to Departmental Safety Committees should include an analysis of reported incident of violence or aggressive behaviour.

10.2. Managers must also monitor the implementation of control measures to ensure compliance.

10.3. Managers should review local policies/procedures and control measures where monitoring has shown deficiencies. When there is a need for amendments, these should be referred to the appropriate safety committee.

**DISCLAIMER - RE: LEGAL REPRESENTATION**

EMPLOYEE’S NAME: _________________________________________________

PAYROLL NUMBER: _________________________________________________

DESIGNATION: ______________________________________________________

LOCATION: _________________________________________________________

**LEGAL REPRESENTATION**

I undertake to reimburse the Council with any money received following legal proceedings, in the event of recovery of the whole or part of the costs incurred. (This includes money received to cover payments made under the Council’s Insurance Policy).

SIGNED: ____________________________________________________________________

DATE: ____________________________________________________________________