

ASSAULT AT WORK

CODE OF PRACTICE

Introduction

The Council recognises the need to have a procedure to protect employees at risk of assault by members of the public, including clients, whilst carrying out their duties. The procedure in this document applies to all employees and comprises the following sections:-

1. General Statement of Policy
2. Preventative Measures
3. Departmental and Individual Responsibilities
4. Procedure for Dealing with Assaults
5. Facilities for Assault Victims.

Personnel Sub-Committee - 24 September 1999

Council - 6 October 1999

Effective from 1 December 1999

1. General Statement of Policy

1.1 The number of violent assaults on staff has been growing throughout the last few years. Any employee who deals with the public face-to-face is potentially at risk.

1.2 The Health and Safety Executive defines violence against staff as 'any incident in which an employee is threatened or assaulted by a member of the public in circumstances arising out of the course of his/her employment. For the purpose of this statement, threats of physical violence, verbal abuse and attacks on personal property, will be included.

1.3 The Council declares its intention to be fully supportive of any of its employees who are victims of assault arising out of their official duties.

1.4 Where an employee is subjected to verbal abuse or threats in the course of the performance of his/her duties, the Council will, in appropriate cases, send a formal letter to the member of public concerned warning that the Police will be notified and that legal action may be taken by the employee of the Council if a breach of the law should occur.

1.5 In cases where the Police are not proposing to prosecute, the Council will offer legal assistance in appropriate cases, subject to their being a prima facie case and subject to each case falling within the Council's approved procedures.

1.6 Chief Officers and Assistant Chief Executives will be responsible for ensuring that employees at risk are identified and preventative measures are taken.

1.7 Employees will be required to report incidents involving violence or aggression.

1.8 The Council's policy statement and procedure will be communicated to all employees.

2. Preventative Measures

2.1 Assaults on staff cause injury and demoralisation. Victims can also suffer trauma and stress. For the Authority, the effects can include long-term sick leave, absenteeism, poor morale and higher than necessary staff turnover.

2.2 The introduction of preventative measures is the most important way of tackling the issue of violence to staff.

2.3 Preventative measures include:-

Assessing the extent of the problem faced by employees;

Carrying out Risk Assessments

Reviewing systems of working and ensuring that staff at risk receive training to de-escalate potentially violent situations.

Ensuring that employees who have been assaulted or abused, are debriefed and, where appropriate, given access to trained Counsellors.

Introducing a comprehensive system to monitor and analyse violent incidents and ensuring that its findings are acted upon.

3. Departmental and Individual Responsibilities

Departmental

3.1 Chief Officers and Assistant Chief Executives will determine which employees may be at risk and following consultation with the relevant trade unions, introduce preventative measures.

3.2 Every effort should be made to minimise the risk of violence by physical means such as the alterations to buildings, especially reception and interview facilities. Alarm buttons should be located in an unobtrusive manner. Consideration should also be given to the provision of personal alarms for those staff who are working out of hours or at night.

3.3 When it is considered either by the Line Manager that a client to be visited at home is potentially violent, or where the employee has valid reasons for considering that a client is potentially violent, then the employee should be accompanied; alternatively, where possible, arrangements should be made to conduct the interview in the office.

3.4 Guidance notes are to be drawn up for employees on preventative measures relevant to the operation of their Department.

3.5 Departments must ensure that employees they have identified as being at risk receive training.

Individual

3.6 All employees are expected to take reasonable care for the health and safety of other people with whom they come into contact and to take reasonable steps to safeguard Council property, premises and equipment. Your prime responsibility, however, is to protect your own safety and employees should ensure that they take all steps necessary to ensure that the risk of injury is minimised at all times.

3.7 Do not use offensive language, threaten or use physical force even if you are being obstructed in the course of your duties. Try to diffuse the situation. Do not touch a person who is arguing with you, in law, this can amount to assault.

3.9 It as a last resort it is essential to use force in defence against any injury, limit your actions to the minimum reasonably necessary to protect your person.

3.10 In defending yourself against attack, you should not use any object or implement since you may render yourself and the Authority liable for any injury sustained and/or an action for assault against you.

There may, however, be exceptional circumstances where such action is absolutely necessary in order to defend yourself.

3.11 Where an employee is assaulted by a fellow employee, the Authority's disciplinary procedure should be invoked.

4. Procedure for Dealing with Assaults

Action to be taken if an employee is assaulted in the course of his/her duties by a member of the public

4.1 The Police should be notified immediately. All employees are advised to report assaults to the Police as a consistent reporting policy may serve as a deterrent.

4.2 Wherever possible, you should get the name, address and age of your attacker(s) plus names and addresses of witnesses and then pass this information to the Police.

4.3 If you have not already done so, notify your immediate Supervisor or Line Manager. You may also wish to contact your Trade Union Representative.

4.4 In the event of any physical injury or shock, get treatment as soon as possible. Medical findings should be recorded in case they are required for evidence, photographs of injuries, etc. A medical certificate should be obtained as appropriate.

4.5 Tell the Police that you wish them to prosecute on your behalf. The Police may be prepared to prosecute depending on the circumstances and the extent of your injuries.

4.6 If the Police are not prepared to prosecute, the Council will offer legal assistance in appropriate cases.

4.7 Your Line Manager or Section Head should investigate the reported assault and should interview you and any witnesses and prepare a strictly factual account while recollections are still clear.

4.8 You should complete an incident Report Form as soon as possible, giving details of the incident, date, time, circumstances and whether or not the Police are prosecuting. You are also required to complete an Accident Report Form if you are injured during the assault.

4.9 A copy of the Incident Report Form will be forwarded by your Line Manager or Section Head to the Chief Officer/Assistant Chief Executive of your Department and the Chief Executive's Human Resources Section, who will use the Form to monitor and assess the effectiveness of the assaults policy in preventing further incidents.

4.10 If the Police are not prosecuting and you propose to take out a private prosecution, the Chief Officer/Assistant Chief Executive of your Department should be informed. A report of the incident from the Chief Officer/Assistant Chief Executive, together with a copy of the Incident Report Form and any other details relating to the incident, including an indication from the Chief Officer/Assistant Chief Executive as to whether your decision to pursue the matter is supported, should be forwarded to the Legal and Administrative Services Division of the Chief Executive's Department. You will then be advised whether or not the Council are able to institute proceedings for common assault on your behalf.

5. Facilities for Assault Victims

5.1 In the event of death or permanent disablement, compensation would be payable under St Helens Borough Council Personal Accident Scheme.

5.2 Compensation will be payable for damage of clothing and personal effects arising from an assault.

5.3 Victims of assault may be able to make a claim for an award from the Criminal Injuries Compensation Board. Advice is available from the Human Resources Section, Chief Executive's Department.

5.4 An employee who requires ongoing treatment as a result of an assault injury, will be allowed time off with pay during working hours to attend hospital outpatients or doctor appointments.

5.5 An employee who has been assaulted, will be permitted time off to attend counselling sessions if the Occupational Health Physician recommends this course of action.

5.6 If an employee becomes physically incapacitated and permanently unfit for his/her existing post as a result of an assault at work, wherever possible, he/she will be redeployed to an alternative post.

INCIDENT REPORT FORM

REPORT FORM NO
1 INCIDENT

DATE OF INCIDENT:

DAY OF WEEK:

TIME OF INCIDENT:

LOCATION OF INCIDENT:

2 EMPLOYEE

NAME:

SEX: M/F

AGE:

DEPARTMENT:

SECTION:

ON/OFF DUTY AT TIME OF INCIDENT:

JOB TITLE:

3 ASSAILANT (IF KNOWN)

NAME:

ADDRESS:

AGE:

SEX: M/F

DESCRIPTION OF ASSAILANT:

4 WITNESSES

NAME:

ADDRESS:

STATEMENT:

5 WHAT HAPPENED

PLEASE COMPLETE APPROPRIATE CHECKLIST AND GIVE BRIEF ACCOUNT OF INCIDENT ATTACHING A SKETCH OF THE LOCATION IF NECESSARY

Delete as appropriate

(a)

What led up to the incident

WAS ALCOHOL INVOLVED
YES/NO

(b)

What appeared to cause the incident

WERE DRUGS INVOLVED
YES/NO

(c)

What was your involvement in the incident

WERE SOLVENTS INVOLVED
YES/NO

(d)

Describe the incident

WAS AN IMPLEMENT OR WEAPON INVOLVED
YES/NO

WAS SEXUAL HARASSMENT INVOLVED
YES/NO

WAS THEFT INVOLVED
YES/NO

OTHER

6 LEVEL OF INCIDENT TO BE REPORTED

SEVERE VERBAL ABUSE
YES/NO

HARASSMENT - SEXUAL (PERSISTENT ANNOYANCE)
YES/NO

MINOR INJURY
YES/NO

VERBAL THREAT
YES/NO

THREAT WITH WEAPON OR
IMPLEMENT
YES/NO

MAJOR INJURY

YES/NO

FATALITY

YES/NO

7 OUTCOME

NATURE AND EXTENT OF INJURY

TREATMENT REQUIRED

DAMAGE TO PERSONAL PROPERTY

DAMAGE TO COUNCIL PROPERTY

ABSENCE FROM WORK (SICK LEAVE)

NO. OF DAYS

HAVE THE POLICE BEEN NOTIFIED

YES/NO

ARE THE POLICE PREPARED TO PROSECUTE

YES/NO

IF NOT DO YOU PROPOSE TO TAKE OUT A PRIVATE PROSECUTION

YES/NO

HAS THE SAFETY OFFICER BEEN INFORMED

YES/NO

HAVE DETAILS BEEN ENTERED INTO ANY OTHER REPORTING SYSTEM

YES/NO IF YES PLEASE GIVE DETAILS:

PERSON COMPLETING FORM

NAME:

LOCATION:

DATE:

TELEPHONE NO:

This form should be forwarded to your Line Manager/Section Head, and a copy sent to Employee Relations Section, Chief Executive's Department.

SKETCH OF LOCATION

FOR OFFICIAL USE ONLY

Follow Up

Seen by Line Manager

Seen by Senior Manager

Seen by Health and Safety

Action taken (please give details)

Communication with employee (please give details)