

Corporate Policy and Strategy Committee

10.00am, Tuesday 25 March 2014

Stress Management Policy and Violence at Work Policy

Item number 7.3
Report number
Wards

Links

Coalition pledges [P27](#)
Council outcomes [CO24; CO26; CO27](#)
Single Outcome Agreement

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Executive Summary

Stress Management Policy and Violence at Work Policy

The new Stress Management Policy adopts a pro-active approach to the management of work related stress. It forms part of our approach to the Health and Safety of our staff and is an essential element of the wellbeing at work initiatives that encourage positive action on smoking, alcohol and drugs, nutrition, physical activity and managing stress.

The new Violence at Work Policy confirms the council's zero tolerance approach to violence at work and provides a structured approach for dealing with violent incidents occurring within the workplace.

Comprehensive Toolkits with practical guidance for managers and employees have also been developed in conjunction with the Trade Unions.

The policies apply to all Council employees.

Both policies have been confirmed as Local Collective Agreements. The EIS have recommended the Stress Management Policy and the Toolkit to the Labour Research Department (LRD) as an exemplar of best practice. LRD have requested permission to publish these documents.

Recommendations

The Corporate Policy and Strategy Committee are recommended to:-

1. note the contents of this report;
2. approve and implement both policies; and
3. agree to the publication of the Stress Management Policy and accompanying toolkit in the Labour Research Department's Stress and Mental Health at Work booklet.

Measures of success

The success of the Stress Management Policy and the Violence at Work Policy will be measured by:

- a decrease in absences due to work related stress;
- an increase in risk assessments in all workplaces;
- increased awareness of the duty of care towards our staff;

- improved workplace morale;
- increased productivity; and
- protection from reputational damage and the financial costs of prosecution or litigation.

Financial impact

None.

Equalities impact

Both new policies support the principles of:

- eliminating unlawful discrimination, harassment and victimisation;
- advancing equality of opportunity; and
- fostering good relations.

The revised procedures provide mechanisms for managers and employees to openly communicate and identify areas for improvement and agree and arrange support as required.

A record of the Equality and Rights Impact Assessment for each policy will be published on the Council's website in due course. They revealed no adverse impact on employees with protected characteristics.

Sustainability impact

None.

Consultation and engagement

Consultation has included:

- a stress working group with representatives from the staff side;
- discussion at the Partnership at Work Forum;
- discussions at both the corporate and council health and safety committees which include service area health & safety champions and elected members;
- feedback from colleagues in Organisational Development to benefit from their knowledge and experience in supporting managers deal with stress at work and violence to employees; and
- discussions with the Employment Law Team to confirm legal compliance.

Background reading / external references

- Line management behaviour and stress at work – Chartered Institute of Personnel and Development (CIPD), Health and Safety Executive (HSE) and Investors in People (IiP);
- Managing the causes of work-related stress – HSE;

- Violence and Aggression to staff in public services – HSE;
- ACAS Stress at Work Good Practice Guide;
- Preventing Workplace Violence – HSE;
- Bullying and Harassment at Work – HSE;
- Stress at Work – National Institute for Occupational Safety and Health, USA;
- Workplace Violence – The Department of Labour USA; and
- A Guide for Employers and Employees on Dealing with Violence at Work – Occupational Health Service & The Department of Labour New Zealand

Stress Management Policy and Violence at Work Policy

1. Background

- 1.1 The current Corporate Policy for the Management of Work Related Stress was approved by Committee in October 2010. The Violence to Employees at Work Policy was approved by Committee in September 2003. Both policies apply to all employees, including Chief Officers and Teaching Staff and are Local Collective Agreements.
- 1.2 The new policies provide an updated, streamlined and proactive approach to assist managers with stress related issues and violence at work. There is a clear focus on reducing risk and providing appropriate support.
- 1.3 The Stress Management Policy and the Violence at Work Policy have been reviewed as part of the ongoing policy review programme for the City of Edinburgh Councils (CEC) employment and regulatory policies.
- 1.4 The new policies have been developed in response to our on-going commitment to achieve Gold Healthy Working Lives; to maintain our Investors in People Gold award and to demonstrate our commitment to maintaining a healthy and engaged workforce.
- 1.5 Both policies have been confirmed as Local Collective Agreements. The EIS have recommended the Stress Management Policy and the Toolkit to the Labour Research Department (LRD) as an exemplar of best practice. LRD have requested permission to publish these documents in their Stress and Mental Health at Work booklet which will be published in April 2014.

2. Main report

- 2.1 The Council has a statutory obligation to identify and manage stress as part of their duty of care to our employees.
- 2.2 The Health and Safety Executive (HSE) have developed Stress Management Standards to assist employers to identify stressors and take steps to prevent injury to health by removing work related stress as a workplace hazard.
- 2.3 The new Stress Management Policy adheres to the Management Standards Approach identified by the HSE.
- 2.4 The policy also ensures that the Council complies with its statutory duties and the common law duty of care to prevent psychological harm caused by work related stress.
- 2.5 The new Violence at Work Policy supports the Council's zero tolerance approach to violence at work and provides a structured approach for dealing with violent incidents occurring within the workplace.

- 2.6 The toolkits for both policies provide detailed guidance for managers and examples of best practice as well as:
- template documents;
 - guidance for employees; and
 - examples of risk assessments etc.
- 2.7 The Stress Management Toolkit is complete and has been agreed with the trade unions. The Violence at Work Toolkit is being completed by the stress working group for the roll out of both new policies on 31 March 2014 if approved.
- 2.8 The associated benefits to the Council as a result of implementing the new policies are:
- reduced cost of absence, including sick pay, sickness cover, overtime and recruitment;
 - improved workplace morale, better working relationships and increased employee satisfaction;
 - increased productivity, through employees being healthier, happier and better motivated;
 - protection from reputational damage and financial costs of prosecution or litigation; and
 - improved cooperation between management and trade union safety representatives.
- 2.9 A joint implementation plan is in development with the staff side. This will include manager and staff briefing sessions, TU briefing sessions, e-learning and mandatory training requirements.
- 2.10 The new policies will also be incorporated into the mandatory induction programme for new managers and employees.

3. Recommendations

- 3.1 The Corporate Policy and Strategy Committee are recommended to:-
- 3.1.1 note the contents of this report;
 - 3.1.2 approve and implement both policies; and
 - 3.1.3 agree to the publication of the Stress Management Policy and accompanying toolkit in the Labour Research Department's Stress and Mental Health at Work booklet.

Alastair D Maclean

Director of Corporate Governance

Links

Coalition pledges P27 - Seek to work in full partnership with Council staff and their representatives

Council outcomes CO24 - The Council communicates effectively and internally and externally and has an excellent reputation for customer care
CO26 - The Council engages with stakeholders and works in partnership to improve services and deliver on agreed objectives.
CO27 - The Council supports, invests in and develops our people

Single Outcome Agreement

Appendices

Appendix 1 Stress Management Policy

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STRESS MANAGEMENT POLICY

(Covering all employees)

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Introduction

- 1.1 The Council recognises that work related stress is a Health and Safety issue and that risks to mental wellbeing can be reduced by the implementation of good management practice. This Policy forms part of our pro-active approach to the Health and Safety of our staff as well as being an essential element of the wellbeing initiatives at work that encourage positive action on smoking, alcohol and drugs, nutrition, physical activity and stress.
- 1.2 The Council has a legal responsibility to take reasonable care of employees' health, safety and wellbeing whilst they are at work. We recognise the importance of protecting our employees' mental wellbeing as well as their physical health. The Council is committed to identifying the causes of work related stress and implementing strategies to address and alleviate work related stress.
- 1.3 The Council will support the implementation of this policy by giving managers and employees the necessary procedures, information and support they need to:
 - recognise and understand the causes and nature of stress; and
 - take positive action to manage work related stress effectively.

2. Scope

- 2.1 The Stress Management Policy applies to all employees including teaching staff, chief officers and the chief executive.
- 2.2 Every employee is expected to treat their colleagues with dignity and respect and protect their own and others' health and safety.
- 2.3 This policy is primarily concerned with stress arising from the work environment. However, issues outside work can also affect employees' wellbeing. Often home and work lives are so interwoven that it may not be possible to identify any single cause of stress. We will provide assistance to employees who are experiencing stress whatever the cause in line with our other supportive policies and wellbeing initiatives ([add link to other policies and procedures](#)).

3. Definition

- 3.1 Stress is a difficult and complex subject. There are many definitions and causes of stress. Individuals and organisations react to stress in different ways. The Health and Safety Executive (HSE) defines stress as *"the adverse reaction people have to excessive pressure or other types of demands placed on them."*
- 3.2 Stress is a state, not an illness, and where stress lasts for only a short period of time there is usually no lasting effect. However, if the stress is sustained over a long period of time it can have a harmful impact on physical and mental health, work performance and morale.
- 3.3 Pressures or demands such as excessive workload, long hours, not having the required skills to undertake tasks, lack of support, strained relationships or unreasonable targets are all

health hazards. Every job brings its own demands and pressures; these are an unavoidable part of working life. Some pressure can be positive and can keep staff motivated and provide a sense of achievement. However, people's ability to deal with stress is not limitless and stress occurs when people become emotionally or physically distressed or the demands exceed the personal and social resources that the employee can access.

4. Aims

4.1 This Policy sets out the objectives and responsibilities for the management of work related stress. It recognises that there can be sources of stress in the workplace and aims to reduce workplace stress by considering the HSE Management Standards for Tackling Work Related Stress. ([link to toolkit](#))

4.2 The Council aims to reduce levels of stress by:

- assessing the risk of workplace stress;
- controlling the risk at source using reasonably practicable means;
- monitoring workplace stress indicators;
- intervening early to deal with problems;
- providing appropriate employee support; and
- encouraging sensitive management.

5. Preventing Stress

5.1 Council managers have a lead role in the prevention of work related stress and must take a proactive approach to identifying workplace stress and take practical steps to reduce its causes.

5.2 Council managers must also ensure that wherever possible employees are not subjected to excessive pressures that are likely to cause harm. To facilitate this, managers must follow the provisions of this policy and toolkit ([add link to Toolkit](#)).

6. Roles and Responsibilities

6.1 Everyone in the Council has a responsibility for the health, safety and wellbeing of themselves and their colleagues. The Council is committed to being a supportive organisation where seeking support and/or assistance for stress is not perceived as a sign of weakness or incompetence. The Council is committed to increasing the general awareness and understanding of stress and stress related illness within the workplace. ([add link to Appendix 1 - Working Together - Everyone's Responsibilities](#)).

6.2 The Chief Executive and Senior Management Teams are responsible for:

- implementing the Policy;
- monitoring compliance with the Policy;
- maintaining a framework of health, safety and wellbeing policies and procedures;
- promoting good communications throughout the Council;
- providing an efficient Employee Assistance Programme (EAP);and

- demonstrating positive leadership and a commitment to the Policy.

6.3 Line managers are responsible for:

- inducting new staff;
- encouraging personal development;
- carrying out team level stress risk assessments;
- carrying out individual stress risk assessments as appropriate;
- setting realistic targets;
- monitoring hours worked and discouraging excessive use of overtime;
- making sure employees use their annual leave entitlements;
- providing staff information on sources of support and advice;
- managing change effectively and empathetically;
- promoting a culture of zero tolerance towards bullying and harassment;
- taking appropriate action to support staff experiencing difficulties; and
- seeking advice and support from Organisational Development and the Council's Occupational Health provider as appropriate.

6.4 Employees are responsible for:

- complying with the provisions of the Policy;
- protecting the health of themselves and others at work;
- recognising signs and symptoms in themselves that could indicate they are having difficulty coping;
- raising any concerns with their line manager or other manager as appropriate; and
- participating in any supportive measures put in place to alleviate stress.

7. **Monitoring and record keeping**

7.1 Managers must keep accurate and up to date records of the following documents as appropriate which are included in the Stress Management Policy Toolkit ([insert link to Toolkit](#)):

- a managers checklist;
- strategic risk assessment for organisational change;
- preventative team stress risk assessments;
- stress risk assessment – employee questionnaire; and
- individual stress action plans.

8. **Confidentiality**

8.1 Information relating to an employee's health is classified as sensitive data and as such will remain confidential. However confidentiality can only be maintained as far as it is reasonably practicable within our duties as an employer. The Council will only involve other agencies or share information with the consent of the employee concerned, unless we are

required to do so by law or the information is necessary for the protection of children or vulnerable adults.

9. Access to support

9.1 The Council will provide a range of support to those employees experiencing stress at work and these include, but are not limited to:

a) Employee Assistance Programme (EAP)

The Council's EAP provides free confidential counselling, financial and legal advice helplines for all employees. These helplines are available 24 hours per day every day of the year and employees can phone as often as they wish ([add link to Right Management](#)).

b) Occupational Health Service

The Occupational Health Service provider will give managers advice on individual cases referred to them which may include advice on treatment and rehabilitation for those employees who have suffered stress or a stress related illness.

c) Support during rehabilitation

Employees returning to work after a stress related absence may require assistance to re-adjust to work routines. Managers should take a lead role in providing appropriate assistance by:

- using the individual stress action plan (ISAP) ([link to ISAP in Toolkit](#));
- reorganising workload, if appropriate;
- placing temporary restrictions on particular duties which may have previously posed difficulties;
- arranging a phased return to work, if required. This should be done in accordance with the Managing Attendance Procedure ([link to MAP](#));
- making sure the pressure or demands previously identified have been properly controlled, reduced or eliminated;
- providing training to the individual to help them cope with the pressure or demands; and
- monitoring the pressures or demands previously identified.

10. Links to other Policies and Stress Management Toolkit

10.1 The Council has several policies to assist managers with the effective implementation of this Policy. These include, but are not limited to:

- Fair Treatment at Work Policy
- Family Care Policy
- Workplace Policy on Alcohol, Drugs and Substance Misuse
- Domestic Abuse Policy
- Violence at Work Policy
- Managing Work Performance Procedure

- Managing Attendance Procedure [\(add links to all policies\)](#)

10.2 For assistance in the application of this Policy please refer to the Stress Management Toolkit. [\(Add link to SMT\).](#)

11. Review

11.1 This policy is a local collective agreement between the Council and the recognised trade unions. Every effort will be made by both parties to make sure that this policy is reviewed regularly and amended by agreement, if required to meet future needs. In the event of a failure to reach agreement both parties reserve the right to end this local agreement by giving four months notice in writing. In such circumstances the terms of the local agreement will no longer apply to existing and future employees.

final draft

Working Together – Everyone’s Responsibilities

1. Introduction

- 1.1 The Council is committed to minimising the causes of stress at work. By working together we can successfully tackle the causes of work related stress. Each person can help to promote and maintain health, safety and wellbeing and prevent stress at work.
- 1.2 The Management Standards approach (MSa) developed by the Health and Safety Executive (HSE) have been developed to help reduce levels of stress in the workplace. To make this approach work it must be a shared responsibility and everyone has a part to play.

2. The Council

- 2.1 The Council, through the Corporate Management Team (CMT), has overall responsibility for the health, safety and wellbeing of all employees. Where risks are identified, appropriate measures must be taken to prevent the risks or protect staff from them. Within in the terms of the Stress Management Policy this will include:
- providing active leadership, direction and commitment;
 - securing adequate resources for stress risk management and intervention strategies; and
 - overseeing organisational performance.

3. Directors and Senior Management Teams (SMTs)

- 3.1 Senior managers are key to promoting both organisational and individual health, safety and wellbeing. They are responsible for setting the health safety and wellbeing culture of the organisation.
- 3.2 To meet the MSa senior managers will:
- Attend mandatory stress management training. This sends an important and positive message.
 - Implement the Stress Management Policy fully in their Service Areas. This includes making sure preventative stress risk assessments are carried out, kept up to date and that action is followed through for any issues identified by either team or individual stress risk assessments.
 - Demonstrate commitment to implementing the Stress Management Policy by taking all reasonable steps to ensure:
 - Sufficient resources for stress management are identified and made available;
 - Line managers attend the mandatory stress training courses;
 - All employees within their service areas follow the positive behaviours required to prevent and reduce work-related stress;
 - Stress management issues are discussed regularly at SMTs and with the trade unions; and

- The Council's vision and expectations for stress management are clearly communicated within service areas.
- Establish monitoring and auditing processes to check that agreed actions happen and the strategies are working;
- Support others in their roles;
- Encourage employees to take part in stress management strategies and processes; and
- Lead by example. On an individual basis, senior managers can help by:
 - recognising stress-related symptoms in other senior managers and being aware that their behaviour may have an impact on others;
 - showing a positive and helpful attitude to stress and mental health issues at individual levels; and
 - mentoring others.

4. Operational and line managers.

4.1 All managers have a critical role in maintaining employee health, safety and wellbeing and for minimising the likelihood of stressful situations arising for their staff. Some of the key tasks for managers can involve:

- showing a positive attitude towards stress and mental health issues;
- clarifying roles, tasks, targets and responsibilities for teams' and individuals' work plans. This plays a key role in the provision of service delivery and the managers actions and behaviour can have an impact on the quality of working life for staff;
- communicating information on workplace change or any identified issues for concern to both staff and senior managers;
- demonstrating awareness, recognition and early identification of problems to allow team and/or individual intervention as appropriate and as required;
- encouraging team members to participate in risk management processes. Active employee participation gives a more accurate picture of any problems and helps to make any subsequent action plans more effective;
- making sure preventative risk assessments take place regularly and actions arising from individual stress action plans are properly and promptly implemented;
- dealing sensitively and confidentially with staff who are feeling stressed;
- designing strategies to reduce work related stress and protect individuals from harm;
- making sure they have appropriate self –awareness, skills and knowledge to manage team interactions;
- managing performance in line with relevant procedures; and
- making sure an awareness of the supportive policies and wellbeing initiatives is maintained.

5. Employees

5.1 The MSa is a participative one. To be effective it requires the views of all employee groups to be considered at appropriate stages. This means employees need to participate fully by:

- getting involved in the stress risk assessments and management processes;

- sharing their views in an open, honest and constructive way;
- helping design strategies that reduce work related stress and protect individuals from harm;
- letting managers know if pro-active measures don't work properly; and
- participating positively in stress management strategies.

5.2 On an individual basis employees should:

- understand how to identify the signs of work related stress in themselves and others;
- discuss their own stress related issues with their line manager or another manager as appropriate. This allows for early intervention and the provision of appropriate supports;
- take steps to minimise their own stress where possible;
- change their behaviour if it is causing stress to others;
- be sensitive and supportive when colleagues are feeling pressured at work; and
- help managers to minimise the effects of workplace stress.

6. Organisational Development

6.1 Organisational Development staff will act as the champions for the MSa and their roles and responsibilities will include:

- making sure the different HR policies link effectively both together and with other health and safety policies to ensure a consistent and 'joined up' approach to stress management;
- supporting managers with complex cases involving work related stress;
- engaging and communicating with staff about work related stress issues;
- engaging with the trade unions to promote appropriate involvement with stress management processes;
- providing relevant data e.g. absence statistics and health intervention information to relevant managers for appropriate action;
- liaising with the Occupational Health Service and the EAP providers;
- working with others, including health and safety advisers and line managers, in implementing solutions identified by staff and monitoring and reviewing their effectiveness;
- monitoring workplace health indicators that highlight stress problems;
- acting as a champion for the Council's stress management processes and the principles of the HSE Management Standards;
- helping managers to complete stress risk assessments and develop risk control measures as appropriate; and
- making sure appropriate training and information is available to help all stakeholders, particularly managers, achieve appropriate competence in stress management.

7. Trade Union Health and Safety Representatives (USRs)

7.1 The active participation of USRs is vital for assisting in the delivery of improvements in employee health and wellbeing and successfully implementing the Management Standards approach. USRs need to work jointly with others to:

- encourage their members to participate in the stress management process;
- offer support and advice to TU members;
- facilitate effective communication on stress issues with management and their members; and
- support the implementation of the Management Standards approach.
- USR duties are defined in The Agreement on Time Off and provision of Facilities for Trade Union Representatives ([add hyperlink](#)).

final draft

Legal Framework

Health and Safety at Work Act 1974

Whilst there is no specific legislation covering the management of stress, the Health and Safety at Work Act 1974 requires employers to safeguard, as far as reasonably practicable, the health safety and welfare of the people who work for them. This does not only mean physical health, but mental health as well. Ill health resulting from stress at work should be treated in the same way as ill health resulting from physical hazards in the workplace.

The Management of Health and Safety at Work Regulations 1999

Under this legislation employers are required to carry out a suitable and sufficient assessment of the health and safety risks to which their employees are exposed whilst they are at work. This includes the requirement to assess the risk of stress-related ill health arising from work activities and to take measures to control any identified risk. Hazards that could lead to stress must, if significant, be included in risk assessments.

The Equality Act 2010

Employers have a duty to make reasonable adjustments to the workplace or the way in which work is done, if the existing work arrangements or the physical features of a workplace put a person with a disability at a substantial disadvantage. Ill health arising from, or exacerbated by, stress related ill-health at work may constitute a disability under the Act if prolonged.

The Act also prevents unlawful discrimination on the grounds of race, religion or belief, sex, sexual orientation age, disability, gender reassignment, marriage and civil partnership. People who are discriminated against may find the experience distressing and humiliating and may consequently suffer from a stress related illness

The Working Time Regulations 1998

The Working Time Regulations place limitations on the number of hours that can be worked, makes provisions for rest breaks etc. and are therefore relevant to stress related illness caused by excessive working hours.

Data Protection Act 1998

The Data protection Act 1998 sets out rules to make sure any personal information held by employers on employees is managed properly.

The Act also requires employees to give explicit consent to the processing of any "sensitive data" by their employer. Managers must therefore obtain the employees consent before using any medical reports.

Violence at Work Policy

(covering all employees)

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10 February 2014

1. Introduction

- 1.1 The Council considers any harassment, violent or aggressive behaviour directed at our staff as unacceptable. The poster shown at **Appendix 1** must be displayed in all Council premises.
- 1.2 All our staff are entitled to work in a safe environment where they are fully supported when faced with unacceptable behaviour from any other person however it occurs.
- 1.3 We have a 'zero tolerance' approach to any incident involving violence against our staff and will ensure the safety, protection and welfare of our staff at all times by:
- reducing the risk of violence against staff;
 - making sure service level arrangements are in place to assess the risk of violence against our staff;
 - providing appropriate training and information for staff;
 - making sure our management standards are applied consistently;
 - making sure employees are aware of their responsibilities;
 - providing appropriate supports to staff following a violent incident;
 - maintaining robust recording and management systems for all violent incidents including those incidents that fall within the scope of legislation on the reporting of injuries, diseases and dangerous occurrence (RIDDOR); and
 - making sure staff who have experienced or witnessed incidents feel able to report them and have the matter treated seriously and dealt with effectively.

2. Scope

- 2.1 This policy applies to all employees, including temporary and agency staff, volunteers, students, apprentices, contractors, consultants and people on work experience.

3. Definitions

- 3.1 We consider violence to be:

“any incident in which any employee is verbally abused, threatened or assaulted by a service user, a member of the public, a contractor, another member of staff or any other person whilst undertaking their duties.”

This includes physical assault, abuse, including verbal abuse, serious or persistent harassment, including racial and sexual harassment, victimisation, bullying and/or threats with or without a weapon.

3.2 For the purposes of this policy, the following definitions will apply:

- **violence at work** - any incident in which a person is abused, threatened or assaulted in circumstances relating to their work;
- **physical assault** - the intentional application of force from one person to another, without lawful justification, resulting in physical injury or personal discomfort;
- **non-physical assault** - the use of inappropriate language or behaviour causing distress and/or constituting harassment; and
- **persistent unacceptable behaviour e.g.:**
 - loud or intrusive conversations or shouting;
 - offensive sexualised behaviour or gestures; and
 - unwanted email or telephone contact.

This list is not exhaustive.

Further information on types of workplace violence are shown in the Toolkit ([add link to toolkit](#)).

4. Risk Assessment

4.1 Identifying the risk of violence incidents is the key to managing them. Heads of Service are responsible for ensuring risk assessments are done to decide if there are any measures that can be put in place to avoid or reduce the risk of violent incidents happening. Details of how to carry out a risk assessment and review are found in the Toolkit ([add hyperlink to toolkit](#)).

4.2 Risk assessment must include:

- details of staff contact with the public/service users;
- work environment;
- risks to employees who work in the community;
- adequacy of existing preventative arrangements;
- any information from previous violent incident reports;
- prior experience; and
- comments from employees/appointed trade union safety representatives.

4.3 Risk assessment will be recorded and regularly reviewed e.g. when there has been a significant change to the work activity, workplace, new information etc.

4.4 All risk assessments must be reviewed in the event of a violent incident being reported.

5. Responsibilities

5.1 The Chief Executive and Senior Management Teams are responsible for:

- implementing the Policy;
- monitoring compliance with the Policy;
- maintaining a framework of health, safety and wellbeing policies and procedures;
- promoting good communications throughout the Council;
- providing an efficient Employee Assistance Programme (EAP);and
- demonstrating positive leadership and a commitment to the Policy.

5.2 Heads of Service are responsible for:

- providing managers with appropriate resources to implement the requirements of this policy; and
- developing risk assessment processes and management controls relevant to their service areas; and
- considering what processes are required to manage any situation where violence is associated with service provision, e.g. this may be where a risk assessment has identified a particular service area as high risk (add hyperlink to high risk services in toolkit).

5.3 Line Managers are responsible for:

- providing induction to new staff;
- identifying training needs;
- carrying out team level risk assessments;
- carrying out individual risk assessments as appropriate;
- providing staff information on sources of support and advice;
- promoting a culture of zero tolerance towards bullying and harassment;
- taking appropriate action to support staff experiencing difficulties; and
- seeking advice and support from Organisational Development and the Council's Occupational Health provider and the Employee Assistance Programme as appropriate.

5.3.1 **Following any work related violent incident, the line manager is responsible for:**

- Investigating the incident and informing appropriate internal managers e.g. the corporate health and safety team, senior managers etc. and any external services as appropriate e.g. the police;
- Making sure the violent incident report form is completed and a copied to the Corporate Health & Safety Team and the Head of Service;
- seeking advice on any additional reporting requirements e.g. Reporting of Injuries, Diseases or Dangerous Occurrences Regulations (RIDDOR)
- providing post incident support to staff, to include telling the individual(s) about the EAP;
- taking steps to identify and implement actions that will minimise the risk of similar incidents happening again and informing staff who are part of the incident investigation accordingly;
- reviewing all risk assessments associated with any incident and work activity;
- working with staff to identify and put in place any additional training required following any incident;
- notifying senior managers about risks to staff in relation to a particular member of the public, service-user or member of staff as appropriate; and
- informing other agencies as required, e.g. the police, NHS, HSE.

5.4 **Employees are responsible for:**

- complying with the provisions of the Policy;
- co-operating with measures provided for their safety;
- treating others with dignity and respect;
- protecting the health, safety and wellbeing of themselves and others at work;
- reporting any incidents of violence to their line manager as soon as they are able to;
- telling the perpetrator that their behaviour is unacceptable if they are able to do so;
- raising any concerns with their line manager or other manager as appropriate;
- completing any service specific training required e.g. CALM training;
- reporting incidents to the police; and
- participating in any supportive measures put in place.

6. **Training Requirements.**

- 6.1 The Council has a legal responsibility to provide staff with adequate health and safety information, induction and training to address and/or manage foreseeable risks associated with their work and the environment they work in.

6.2 We will do this by providing a variety of learning events which will include a combination of:

- e-learning;
- face to face briefing sessions; and
- service specific training.

7. Managing Violence in the Workplace

7.1 Managers must ensure risk assessments are in place for all staff who work in frontline services with direct access to the public and service users. (add link to risk assessment form)

7.2 To mitigate the potential impact of violent behaviour, managers must consider the following:

- the availability of job-specific training, e.g. CALM training;
- using a buddy system and/or other internal team approaches for managing violence and aggression, such as check off boards, use of diaries, mobile phones, etc. (add link to toolkit);
- using local strategies for managing the impact of constant low-level aggression e.g. verbal abuse over the telephone;
- supporting staff who are regularly involved with the public e.g. enforcement officers, school crossing patrollers, social workers, housing officers etc. (add link to toolkit with high risk staff groups);
- routinely carrying out management investigations into incidents making sure that the corporate health and safety team are informed of any exceptional circumstances where violence or aggressive behaviour may be present.

7.3 When risk assessments highlight specific concerns managers should consult with the Corporate Health & Safety Team.

8. Supporting Staff and Managers

8.1 It is important that staff receive the individual support they need if they have been involved in any incident that involved violent or aggressive behaviour. People working in areas where aggressive behaviour is often experienced may appear to build up a degree of resilience to it. As an employer we do not expect our staff to build up resilience to aggressive behaviour and we will provide staff with the

opportunity to discuss how ongoing incidents are affecting them. This support **must** be made available on a regular basis.

- 8.2 All managers will receive appropriate information and necessary training to enable them to recognise signs of stress; the impact incidents can have on staff and the support options available e.g. the EAP.
- 8.3 Staff must feel supported if they have been the victim of violence and/or aggression. We will work to protect other staff from similar incidents. Where an incident is particularly serious, we may take appropriate legal action as part of our response to that incident. For example the Council could decide to support the police in pursuing a criminal prosecution; seek an interdict to prevent an assailant approaching a particular member of staff or entering Council premises.
- 8.4 Occasionally, despite all reasonably practicable measures being taken, prevention is unsuccessful and staff are victims of aggressive behaviour. If this happens the line-manager will fully support the member of staff by:
- making sure the member of staff is physically safe and protected;
 - making sure any medical treatment needed is immediately provided;
 - considering whether to immediately involve the police;
 - making sure the member of staff has the opportunity to talk about the incident either with their line-manager, colleague, trade union representative or the employee assistance programme;
 - reassuring the member of staff that it is not their fault; and
 - recording the details of the incident.
- 8.4 Managers should also consider, where appropriate, advising staff that they can be referred to occupational health for supportive purposes. This is entirely separate to the managing attendance process and is offered as a support to staff to promote wellbeing.
- 8.5 Staff and managers have access to the 'employee assistance programme which provides access to confidential counselling support 24 hours a day, 365 days a year.
(add hyperlink to EAP)

9. Withdrawing Services

- 9.1. Staff are obliged to provide services only when it is safe to do so. The decision to withdraw services can only be made by a Head of Service and only after all other options to manage the situation have been considered.

- 9.2 Services could be withdrawn when there has been:
- abusive or threatening behaviour towards staff or other service-users;
 - persistent intimidation, bullying or harassment of our staff or other service-users, despite warnings; and/or
 - an actual physical assault on a member of staff or another service-user.

This list is not exhaustive.

- 9.3 Staff and managers will always work towards a resolution that maintains staff safety while continuing to provide necessary services. Heads of Service will manage any service that is withdrawn in conjunction with advice from Legal Services as appropriate.

10. Reporting Violent Incidents

- 10.1 All violent incidents must be reported on the Violent Incident Report form (VIR) ([insert hyperlink to VIR](#)) and a copy forwarded to the corporate Health & Safety Team.
- 10.2 When staff are involved in a violent incident their line manager must complete a VIR form with the individual involved as soon as reasonably possible after the incident.
- 10.3 The manager must carry out an investigation. The corporate Health & Safety Team will advise if additional reporting is required e.g. depending on the nature of the incident a RIDDOR report may be required.

11. Investigating Violent Incidents

- 11.1 The line manager must start an investigation as soon as possible after the incident occurs. Assistance and support can be sought from, for example, the corporate Health & Safety Team, Occupational Health, Employee Assistance Programme, trade union safety representatives.
- 11.2 The investigation must collate factual evidence to establish what happened and what additional controls may be put in place to avoid similar incidents happening in the future. The extent of the investigation will be dependent on the severity of the incident.
- 11.3 Any additional controls or changes to practice identified must be implemented and risk assessments reviewed to reduce the risk of re-occurrence.

12. Involving the Police

12.1 Examples of circumstances when the police should be called include:

- persistent threatening behaviour towards staff, service-users or visitors;
- a member of staff, service-user or visitor is physically assaulted;
- someone enters Council premises carrying a weapon;
- staff are unable to persuade someone behaving unreasonably to leave the premises;
- someone is behaving suspiciously in or around a Council building;
- staff suspect a crime has been committed or is about to be committed; and
- unreasonable behaviour which has not been resolved despite staffs efforts to manage the situation e.g. stalking, harassment, threatening telephone calls, use of illicit substances, etc.

13. Legal Assistance

13.1 Where charges or counter charges are brought against an employee, in certain circumstances Legal Services can arrange for staff to be advised and defended against criminal charges. This is a decision for the Head of Service to make in consultation with Legal Services as the cost of legal support will come from the service area budget.

13.2 An employee attending court as a witness to a reported violent incident, will be given time off with pay to attend court for this purpose.

13.3 In exceptional circumstances (e.g. where a pattern of reported incidents of threatening behaviour is identified) Legal Services will consider any Head of Service's request to start legal proceedings against a member of the public in order to protect the employee(s) concerned.

14. Associated Policies and Procedures

14.1 Each Service Area must ensure that service specific procedures are in line with this policy and the associated policies and procedures:

- Health and Safety Policy
- Stress Management Policy
- Disciplinary Code
- Disciplinary Procedure
- Fair Treatment at Work Policy

This list is not exhaustive

15. Review

- 15.1 This policy is a local collective agreement between the Council and the recognised trade unions. Every effort will be made by both parties to make sure that this policy is reviewed regularly and amended by agreement, if required to meet future needs. In the event of a failure to reach agreement both parties reserve the right to end this local agreement by giving four months notice in writing. In such circumstances the terms of the local agreement will no longer apply to existing and future employees.

final draft