

BURY COUNCIL

MANAGEMENT OF ANTI-SOCIAL BEHAVIOUR AT WORK POLICY

1.0 Introduction

Bury Council accepts its responsibilities and duties to provide a safe and healthy working environment for all employees. These requirements extend to the protection of employees from the risks of anti-social behaviour at work.

The Council considers that anti-social behaviour is not an acceptable part of any job nor is it part of the duties of an employee to accept anti-social behaviour. The Council is totally opposed to employees being subjected to anti-social behaviour because of employment with the authority.

This policy sets out corporate arrangements for the management of anti-social behaviour that may occur during work. It aims to minimise the risk of violence and ensure that where violence and aggression does occur the response is both appropriate and effective. To this end the Council is committed to taking whatever action is available and appropriate in any circumstance.

Similarly the Council is committed to the elimination of all forms of bullying and harassment in the workplace (see also Dignity at Work Policy). The Council fully support the rights and opportunities of all people to seek, obtain and hold employment without experiencing bullying or harassment. This will not be tolerated in the workplace. The Council also will not tolerate the victimisation of a person who has complained of harassment. Any such behaviour formally reported will be investigated and, if founded, will lead to disciplinary action and possibly dismissal.

The Council is supported in the above principles by its recognised trade unions.

2.0 Scope

This policy applies to all employees of Bury Council (including Councillors) without exception. The policy is a commitment by the Council to the elimination of anti-social behaviour perpetrated by employees or others against its employees. The policy may be supplemented, where appropriate, by more specific departmental policies and arrangements. However, where no such arrangements exist, the provisions of this policy will apply.

Employees should be aware the actions of a manager legitimately carrying out their management responsibilities properly and reasonably would not be construed as bullying or harassment.

3.0 Legal Duties

The Council as an employer has a legal duty under the Health and Safety at Work etc. Act 1974 to ensure, so far as is reasonably practicable, the health, safety and welfare at work of employees. This duty extends to protecting employees from assaults or potentially violent situations and from bullying and harassment (see also Dignity at Work Policy).

Employees have a legal responsibility under the Health and Safety at Work etc. Act 1974 to have regard for their own health and safety at work and for other people who may be affected by their acts or omissions. This duty requires employees to act responsibly, and follow any instructions, information, training and procedures (e.g. incident/accident reporting) given to them in the interests of health and safety.

An individual undertaking bullying or harassment can be legally liable for these acts as well as the Council.

Risk assessment is an employer's explicit duty under the Management of Health and Safety at Work Regulations. These regulations require that employers undertake a systematic general examination of their work activity and, if there are five or more employees, they must record the significant findings of that assessment and inform employees. This includes assessing the risks of violence and aggression to employees.

Under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995, the Council must report certain acts of non-consensual physical violence done to a person at work.

4.0 Definitions

Anti-social behaviour

Defined as "behaviour which results in an employee being abused, threatened or assaulted in circumstances relating to their work, involving an explicit or implicit challenge to their safety, well-being or health". Although the list is not exhaustive acts of anti-social behaviour include the following:

- assault causing actual bodily harm
- verbal threats, gestures, stances
- personal insults
- assault from grasping, poking, punching etc.
- possession of a weapon or item intended to be used as a weapon
- threatening use of animals
- bullying
- harassment on the grounds of race, sexual orientation, age, disability, religious belief or gender re-assignment.

5.0 Individual Responsibilities

5.1 Managers are responsible for ensuring that:

- the risks of violence and aggression to employees are assessed, and appropriate measures introduced to eliminate or control the risks identified;
- when organising or allocating work to employees the potential risk of violence is considered;
- all employees identified as being at risk of potential violent situations are appropriately trained, informed and instructed on the safe methods of working to be followed;
- all employees are aware of the accident reporting procedure;
- following an incident employees are appropriately supported;
- the risk assessment is reviewed following any violent incident;
- the risk assessment is regularly reviewed, and the effectiveness of existing control measures examined and where appropriate revised;
- the Council's anti-social behaviour poster is brought to the attention of staff and displayed in public areas;
- all claims of bullying and harassment are investigated following the procedures in the Council's Dignity at Work Policy.

5.2 Employees are responsible for ensuring that:

- any instructions or information detailing safe methods of working are followed;
- managers are notified of any change which may affect the risk assessment;
- any incidents of violence and aggression are reported immediately to their line manager;
- they undertake training, as requested;
- they consider their own health, safety and welfare and that of others whilst at work;
- they recognise harassment and bullying within the workplace and take steps to eliminate it within the agreed procedures when it happens;
- inform Corporate HR or their departmental HR section if they witness what is perceived as bullying or harassment so that the alleged victim can be met with to discuss whether there is in fact any allegation.

6.0 Review

This policy will be reviewed in response to any relevant changes. It will also be reviewed as part of a regular evaluation of health and safety policies, procedures, guidelines etc.

BURY COUNCIL

MANAGEMENT OF ANTI-SOCIAL BEHAVIOUR AT WORK

GUIDANCE NOTES

Anti-Social Behaviour is defined as "behaviour which results in an employee being abused, threatened or assaulted in circumstances relating to their work, involving an explicit or implicit challenge to their safety, well-being or health".

This guidance sets out practical steps that managers can take to minimise the risk of anti-social behaviour towards employees and should be read in conjunction with the Council's policy on managing anti-social behaviour at work and the Dignity at Work Policy.

1. Risk Assessment

The Management of Health and Safety at Work Regulations require employers to undertake assessments of the risks that employees face in the course of their work. This involves:

- identifying possible hazards, i.e. listing anything that has the potential to cause harm, such as staff dealing with actual or potentially violent situations;
- deciding who might be harmed;
- evaluating the actual risk and deciding whether the existing precautions are adequate or whether more should be done;
- recording the findings; and
- reviewing the assessment to ensure the precautions are still effective, and revising if necessary.

Managers are responsible for carrying out written risk assessments. The process of anticipating potential violence and the development of strategies to reduce the likelihood of the violence occurring is a vital step in protecting staff from risk.

1.1 Assessments need to be thorough and comprehensive, but the focus and setting should be local and specific, i.e.

- in the context of each service, team or establishment;
- the type of service user; potential service user or other person, with whom staff are likely to come into contact;
- the type of service being provided and the particular activities being undertaken.

Risk assessments should focus on the following. (Please note the lists below are not exhaustive):

- a) The Environment
 - reception areas
 - interview rooms
 - the layout of the building and rooms
 - home and outside visits
 - access arrangements
 - identifying potential weapons

- b) Working practices
 - employees working alone
 - out of office hours
 - cash handling
 - locking/unlocking of buildings
 - supporting service users, e.g. personal care, administration of medication, transport etc.

- c) The client or potential service user. Does the individual:
 - have a history of violence and aggression?
 - behavioural problems?
 - use medication to control behaviour?

- d) Individual employees
 - does the employee have the relevant experience and training to cope with the potential situation?
 - are they classed as a young person, i.e. under 18 years of age?
 - are they a new or expectant mother?

1.2 Existing control measures

Consider what actions have already been taken to manage and reduce the risks identified, and if they are effective or if further action is required, e.g.

- safe design of the working environment, e.g. room layout and furniture;
- panic alarms/buttons in reception areas, interview rooms, etc.;
- equipment available to employees, e.g. personal attack alarms, mobile phones, torches etc.;
- safe working practices, e.g. logging where staff are going when leaving the premises and what time they are expected back;
- training for employees;
- the monitoring and review of incidents which have involved actual or threatened harm.

1.3 Recording Information

Any risk assessment carried out must be recorded on form HS03, available from the health and safety section or downloaded from the health and safety Intranet site which can be found under Popular Pages - Occupational Health and Safety – A-Z of publications – Risk Assessments HS03 & HS03a (rev).

Risk assessments can be completed for groups of staff doing similar jobs; these are known as 'generic' risk assessments. However, particular attention should be paid to lone workers, young or inexperienced staff, new and expectant mothers and staff with a physical disability who would require a specific individual risk assessment.

1.4 Monitor and Review

Risk assessments must be reviewed on a regular basis, e.g. at least annually, after an incident or when there has been a significant change in the work activity, environment, premises etc.

2. Managing Violence In The Workplace

This section provides details of the control measures managers should consider putting into place to minimise the risk of violence to staff.

2.1 The Environment - general

The ambience created in a work environment can have a significant affect on the mood of staff and clients. Aggressive moods and behaviours are less likely to occur in an atmosphere that is pleasant, relaxed and informal. This should always be taken into account in the design and layout of workplaces. However, a balance must be struck between this and the protection of staff should aggressive behaviour arise. The following standards should be applied as is appropriate in order to provide protection to staff:

- the layout of rooms and the position of furniture should be such that a member of staff can make a quick exit if necessary.
- the lighting in all areas, i.e. inside and outside the building, should be adequate so that people cannot hide or move about unseen.
- public areas should be kept free of anything that is likely to be used as a weapon or missile. In areas where there is considered to be a significant risk of aggression, serious consideration should be given to the removal of any item that could be used as a weapon or missile e.g. flower pots or leaflet stands. In these circumstances, those items and equipment that are deemed to be necessary to the service should be securely fixed in place.

- access to other areas such as offices should be restricted to ensure that unauthorised access is not possible, e.g. locked with digital keypads.
- there should be a means for employees to summon assistance, if required, e.g. panic alarms or buttons.
- Warning notices should be displayed in public areas. See Appendix 1 'Notice for display – Safe and Secure'.

2.2 Specific Environments

Again, a balance should be struck between the creation of a pleasant, calm and relaxed atmosphere in order to reduce the likelihood of aggression and the protection of staff should aggression occur. The following standards for the protection of staff should be considered:

For reception areas;

- a safe place for staff to retreat to e.g. another office where the door can be locked;
- a means for staff to summon assistance, if required, e.g. panic alarms or buttons;
- waiting times should be kept as short as possible;
- adequate staffing levels, i.e. are two members of staff required?
- removal or secure fixing of any items (including those provided for decorative purposes) or equipment that could be used as a weapon;
- a logging in and out procedure for all visitors to the building;
- access to other areas, such as offices, should be restricted to ensure no unauthorised access;
- reception staff must receive training in dealing with actual or potentially violent situations;
- where there is no reception area, locating an office near the entrance will mean staff can see anyone entering the building.

For interview rooms;

- the layout of the room and position of furniture should be such that a member of staff can make a quick exit if necessary.
- a system for identifying any interview rooms that are in use.
- means for employees to summon assistance, if required, e.g. panic alarms/buttons.
- removal or secure fixing of any items (including those provided for decorative purposes) or equipment that could be used as a weapon;
- risk assessments should be carried out before interviews take place to consider the nature of the interview and the known history of the service user, etc., so that further controls can be put in place as necessary, e.g. additional members of staff in attendance.

2.3 Security arrangements

Possible security measures for buildings/establishments will depend on the results of the risk assessment. Measures must be appropriate to the level of risk identified, and may include the following:

- restricting public access
- external security lighting
- erection of high level perimeter fencing
- installing entry control and surveillance systems

2.4 Home and site visits

A number of employees, as part of their duties, have to undertake visits etc. away from the workplace. Line managers must ensure that adequate arrangements are in place to manage the risks that these individuals face.

Generic assessments of the risks of visiting particular areas or client groups may help to determine the precautions to take for specific visits - for example identifying particular types of visits which should not be carried out during the evening or night, or by a lone member of staff.

The following precautions should be considered for visits that present a risk of violence, or where there is not enough information to make a proper assessment:

- if the visit is not essential, ask the individual to attend a meeting in the workplace where the risk is better controlled or hold a telephone interview;
- consider whether the visit requires two or more staff;
- provide equipment, e.g. personal attack alarm, mobile phone etc.
- liaise with local police and other agencies, e.g. GPs, district nurses, possibly for a combined visit.

If the identified risk is high, do not attempt a home visit – ask the individual to attend the office or hold a telephone interview.

When staff are away from the workplace carrying out site visits etc. arrangements must be in place to enable colleagues and line managers to trace the whereabouts of the visiting officer.

Line managers must develop local arrangements whereby the location, timings, etc of the visits are logged.

Clear reporting back procedures should also be formulated for out of hours working.

Managers should ensure that all staff realise the consequence of failing to report back to a central contact point.

Note: Where no central point is available then arrangements can be made via the emergency control room at Bradley Fold using Form SES 11- Out of hours working by Bury Council officers. The form is available from the emergency control room, telephone number 6606 or e-mail emergencycontrol@bury.gov.uk

The arrangements should include details of the action to be taken should a member of staff fail to return at the specified time, including out of hours working.

Reference can be made to health and safety guidance note *HST 61: Working alone in safety*.

2.5 Cash handling

If employees are required to carry amounts of cash then the following advice should be followed:

- if the amounts to be carried are substantial or the perceived risk is high then an escort should be provided;
- where possible transportation of monies should be by car rather than on foot;
- routes and timings should be varied where possible and surveyed to identify any vulnerable areas;
- means of contact and of summoning help should be established. Individuals should call back to the office to notify of safe arrival;
- guidelines should be developed for actions to be taken in the event of approach and attack. This should stress that the protection of employees is paramount rather than council property, money or valuables.

2.6 Patterns of work

With the introduction of work-life balance, working early in the morning or in the evening is part of the normal working pattern. Line managers should ensure that adequate arrangements are in place to manage identified risks.

Examples of good practice include:

- working in pairs;
- provision of well lit areas;
- arrangements whereby someone is aware of who is working on the premises;
- means of the employee summoning assistance or raising the alarm if required;
- access to first-aid;
- ensuring that measures are in place to keep the working area secure e.g. locking parts of the building where the individual may be working alone. (Under no circumstances should emergency exits be locked when the premises are occupied).

2.7 Telephone abuse

Employees who receive angry telephone calls will usually be able to deal with these calls by listening and trying to find out how they can help the caller. However, if the caller is being abusive or threatening, employees should:

- ask the caller not to be abusive;
- warn the caller that the telephone will be put down if they continue;
- put the telephone down if they continue.

Employees should report such calls to their line manager who will consider what further action might be taken.

Malicious calls – the Council has a call recording system for dealing with an abusive or threatening caller. This should only be used in very serious cases where the caller is threatening the safety of the staff member, the Council or the public. The facility is mainly used by contact centre staff who deal with members of the public and may experience abusive or threatening calls. ICT desk can assist with the request for this facility.

2.8 Emergency procedures

Line Managers should develop arrangements for dealing with emergencies. These will include actions to be taken in the event that concern for someone's safety is raised, either because they do not log off, or employees raise the alarm etc. All employees should be made aware of these procedures and arrangements should be in place to practice these.

2.9 Travelling

Where individuals travel in the course of their work, the following precautions should be observed;

- travel in daylight wherever possible and where operations allow;
- if your vehicle breaks down, and you feel it necessary to remain in your vehicle, sit on the nearside (kerbside) and lock all windows and doors;
- when telephoning for help, women drivers travelling alone or with dependants should advise the operator;
- when stopping on the hard shoulder of a motorway, pull over as far to the left as possible, turn the wheels to the kerbside, vacate the vehicle by the kerbside door and wait in a safe place on the verge of the motorway, well away from the traffic;
- if you feel threatened in any way, return to your vehicle and lock all doors and windows;
- park in places which are easily accessible and where you can leave quickly if you need to;
- consider a mobile phone and remember to keep it charged.

There is more information available in Health and Safety Guidance Note *HST 60: Driving alone in Safety*'.

2.10 Alarm key holders

Where it is necessary for key-holders to attend establishments for out of hours alarm activation, the following procedures must be followed:

- key holders must not enter a building alone but wait for the police or security officer to arrive.
- in the presence of the police or a security officer the key-holder should then proceed to enter the building and de-activate the alarm;
- once the police or a security officer has conducted an inspection of the premises and declared that it is safe, the key-holder should continue with any necessary action to ensure the security of the premises.
- if the police or a security officer does not attend the scene then a second key-holder must be contacted. Under no circumstances must a person enter a building alone.

2.11 Equipment

The risk assessment may identify the need for the provision of equipment such as pagers, mobile phones, personal attack alarms, torches, dog dazers, whistles etc. However, it should be noted that these are not measures that will control the risk of violence. Thorough risk assessments on the potential for violence will prompt control actions, e.g. should the service user be asked to attend a meeting in the workplace? Should two or more members of staff undertake a site visit?

Where risk assessments do indicate the need for equipment, managers should ensure where necessary, that an adequate supply of such equipment is made available, and that it is maintained in good working order.

2.12 Panic alarms

The risk assessment may reveal the need for a panic alarm. Where alarms are installed they must be tested weekly to ensure they are in good working order. All alarm tests should be recorded.

A written procedure should be in place informing all employees in the building of the action to be followed if the alarm is raised, and the point where the alarm will sound should always be manned.

2.13 Physical intervention

Physical intervention strategies are only appropriate in exceptional circumstances. They will usually relate to identified client groups for whom it

is not possible to suitably control the risk of violence through other means, or where it is necessary for the protection of the clients themselves. The primary aim of strategies should always be focused on avoidance of violence. Where physical intervention strategies are deemed necessary, they should only be carried out under strict procedures by staff that are trained and competent. Furthermore, staff competencies should include the early detection, and techniques for diffusion, of potentially aggressive behaviour that must be used in preference to physical intervention whenever possible.

Where it is identified that physical intervention may be required service area managers should adopt physical intervention policies specific to their service.

2.14 Staffing levels

Minimum safe staffing levels are to be determined by risk assessment. A risk assessment, for example, may identify that two members of staff are required for reasons of safety when working with a particular client or service user.

Managers should devise rotas that are flexible enough to cover risk periods and allow for individuals who may be having particular difficulties.

2.15 Training

Health and safety legislation requires employees to be provided with the necessary information, instruction and training to allow them to do their job safely.

The risk assessment will identify where specific training is required. Examples of training staff that may be required includes:

- personal safety
- dealing with violence and aggression
- dealing with challenging behavior
- physical intervention techniques
- awareness of medical conditions where aggressive behavior can be a symptom, e.g. dementia

2.16 Staff support

If any employee is subjected to violence, their department will offer support and advice. A confidential counselling service has been established within the Occupational Health Unit to which employees can be referred or, which individuals can self refer. The Victim Support service can also help.

Departments should support the involvement of the police to help prevent or limit violence whenever operational staff consider it necessary.

Where appropriate, departments should write to the perpetrator of the anti-social behaviour telling them that their behaviour is unacceptable and advising them of any action the council intends to take. Where appropriate, this will include legal action e.g. a Court Injunction to protect an employee from an individual who has been identified as representing a threat.

2.17 Post incident procedures – action by managers

Anyone who has been abused, threatened or assaulted should always receive immediate support from his or her line manager and colleagues.

Following an incident, the immediate concern should be the well being of the victim, and due consideration must be given to their feelings and wishes. Appropriate steps to consider include:

- do they need to be removed from the situation?
- do they need medical treatment?
- is there someone they want to be contacted?
- do they want to go home?
- do they want to talk through the situation, and if so who with?
- do they want to involve the police?
- remind them of the counselling service offered by the Occupational Health Unit.

There is an understandable tendency for managers to want to debrief individuals as soon as practicable after an incident from an operational perspective and to arrange for emotional debriefing by an appropriate professional. However, whilst this can be helpful in some situations and with some individuals, it can be damaging for others.

Advice must be sought from the Welfare Officer in the Occupational Health Unit (telephone 0161 253 5156) before any debriefing is undertaken. An Occupational Health Nurse (telephone extension. 5055) should be contacted in the absence of the Welfare Officer.

The risk assessment should be reviewed and updated as soon as possible following any violent incident, and employees informed of any changes.

2.18 Reporting and Recording the Incident

Whenever an employee experiences an incident of abuse, threat or violence the Accident/Incident Report Form HS1 must be completed in accordance with the Corporate Guidance Note *HS2: Accident Reporting and Investigation Procedure*. This form must then be sent to the department's HR section for recording on TREN prior to forwarding to Health and Safety Services.

2.19 Monitoring

The implementation of this policy will be monitored through the line management chain. In addition, compliance with this policy and management guidance will form part of the ongoing health and safety audits of service areas.

Monitoring will also be undertaken reactively in the form of incident investigation and analysis by health and safety advisors.

3.0 Bullying and Harassment

For specific information on the following points please refer to the Council's Dignity at Work policy:

- definitions of harassment and bullying,
- employee and management responsibilities
- procedures for dealing with harassment or bullying and
- support for complainants and the alleged harasser
- monitoring of complaints
- guidelines for employees

Equality Act 2010 (s. 40)

An employer is liable for harassment if an employee is harassed by a third party (e.g. a customer) and the employer failed to take reasonable steps to prevent it.

This liability does not arise unless the employer knows of at least 2 other occasions when that employee has been harassed by a third party, though it need not be the same third party.

4.0 Stalking

Definition

A form of harassment generally comprised of repeated persistent following with no legitimate reason and with the intention of harming, or so as to arouse anxiety or fear of harm in the person being followed. Stalking may also take the form of harassing telephone calls, computer communications, letter writing etc.

The Protection from Harassment Act 1997

The spirit of the Act is to deal with unsocial conduct occurring on at least two occasions in which a person is subjected to persistent and often obsessive behaviour causing harassment, alarm or distress outside existing civil criminal law.

The two occasions do not need to be the same incident, for example one can be a phone call, the other being followed. However they do need to be reasonably close together in time.

A police warning might be enough to stop it, but the power is there from the police to arrest if necessary.

The power of the Protection fro Harassment Act reaches into the civil law as well as the criminal law.

If you do not want to take action through the police, you can go to a solicitor and obtain an injunction through the civil courts, although this will cost.

A breach of a restraining order or injunction obtained either through the criminal or a civil court is an arrestable offence and is liable for up to five years imprisonment.

Advice on taking further action e.g. obtaining an injunction can be obtained through Legal Services.

What to do

Take Action – You should never react to or communicate with the stalker, however ignoring the harassment will not necessarily cause the stalker to stop. The sooner action is taken, be it a police caution or warning, solicitors letter or arrest, the more chance it has of stopping.

Contact the police – Contact your local police as soon as possible asking for the name of the officer in charge of the case and record the crime reference number if applicable.

Do not respond – On no account should you agree to meet the stalker or communicate with them in any way. It may put you in a dangerous situation and may weaken any prosecution case against the stalker simply because you have co-operated with them.

Inform – Make friends, neighbours and colleagues aware of what is happening. They can also keep a record of sightings and suspicious incidents for you, as well as supporting you.

Improve personal safety – Carry a mobile phone with you as well as a personal attack alarm – it will help you feel more comfortable when you go out. Rely on your instinct. If you ever feel in imminent danger do not hesitate to call 999. Consider improvements to your home security.

Record – Record any incident you feel is suspicious including:

- **Telephone calls** – do not enter into conversation with the stalker. Remain calm and try not to show any emotion. Put the handset on one side then leave for a few minutes then return and replace the handset. Record the date and time of the call as well as the details even if they

were unanswered or silent calls. Try dialling 1471 for the caller's number. Write down and save any text messages and the time they were received.

- **Sightings** – Record the date, time, location, a description of clothing they were wearing and anything they may have been carrying and what they were doing.
- **Cars** – If you are aware of a particular car, record the date, time location, make and model of the car, colour, registration number and any other distinguishing features.
- **Mail** – If you are wary of any mail that is delivered to you either give it straight to the police without opening it, or put gloves on so you do not put your fingerprints on it.
- **Computers** – Save information received onto disk and print out a hard copy of relevant data. Do not delete the original. Only open emails if you know the originator and ensure your computer is secure and virus protected.
- **Camera** – Record on file anything you can as this will be very useful evidence of what is happening, location and frequency of the incidents.
- **Diary of events** – Keep a diary of what happens, how you are feeling. This will not only help you, but assist the police in their investigations.

5.0 Review

This guidance will be reviewed in response to any relevant changes. It will also be reviewed as part of a regular evaluation of health and safety policies, procedures, guidelines etc.

Note this document should be used in conjunction with the Management of Anti-Social Behaviour Checklist (HS 31a) and if applicable Stalking checklist (HS 31b).