

# **Procedure for dealing with Customers who may pose a risk to staff**

## **1.0 Introduction**

Derby Homes has a duty of care to its staff to ensure that all reasonable steps are taken to protect them from any known actual or potential risk to their health and safety that may be posed by customers. There are two main sources of risk

- Risk that we become aware of following a violence and aggression incident
- Risk that we believe may exist for other reasons not related to a violent and aggression incident

This procedure deals with the second category

## **2.0 Sources of potential risk**

There are a range of reasons why we might want to put measures in place to protect staff which are not connected to an incident of violence or aggression. This means that although there may not have been an incident, nevertheless we have reason to believe that there may be a risk. For the purposes of this Policy and Procedure, we mean

- Risk of physical harm
- Risk of harm to mental health
- Risk of false accusation including via social media

The sources of potential risk that may take the form of one or more of the above three categories are as follows

- Registered Prolific Offenders and people with criminal records
- Informal information received from partners about people who may pose a risk
- People with known mental health or behavioural issues
- Customers who have a history of making complaints against staff and who may make malicious complaints
- 'Near misses' – where staff feel that something 'isn't right' or is uncomfortable when dealing with a tenant

## **3.0 Risk Assessing**

Under the Violence and aggression procedure, this risk assessment is carried out by the Antisocial Behaviour Manager. However, for the other types of risk outlined in this Policy, the risk assessments are carried out as follows

- RPO, Criminal Offender either before or during the tenancy – ASB Manager

- Information received from partners – ASB Manager in conjunction with Complex Needs Manager
- Known mental health or behavioural issues - Complex Needs Manager
- Customers who have a history of making complaints against staff – Head of Service or their nominated Service Manager with support from Complex needs manager or Personnel Manager as necessary
- Near misses – Heads of service or their nominated Service Manager

Managers carrying out these risk assessments should use the Customer Risk assessment form(hyperlink needed and form to be designed) and a copy of this forwarded to the ASB team together with the instruction to put a marker on our computer systems or other instruction to staff about altered working arrangements

#### **4.0 Recording markers or adjustments to working practices on the 'red triangle' and keeping of central database**

The ASB team will be responsible for this. In addition they will be responsible for keeping copies of any risk assessments carried out which were used to make these decisions. Finally, they will inform the responsible officers of any six monthly reviews that are due

### **5.0 Procedures for the categories of potential risk**

#### **5.1 RPO, Criminal Offender either before or during the tenancy**

There is a formal procedure for registered prolific offenders (RPO) to be notified to us when they are being housed by Derby Homes. However there are also cases where the individuals offending happens while they are tenants. Finally, we may become aware of an individuals criminal record after they become tenants. The potential risk to staff depends entirely on the nature of the offence(s)

The risk will be assessed by the Antisocial Behaviour Manager who will consider the nature of the offence and when it was committed in deciding the type of marker. A decision may be made to put on a 'red triangle' Instruction that staff are to speak to the ASB manager or another senior manager before visiting.

All known Scheduled Offender cases may remain as 'red triangle' cases indefinitely, but must be reviewed every six months to see if there is a continued risk. The manager will have access to a separate secure database of these cases which will be locked down and viewable only by the Area Housing Managers, ASB Manager, Housing Services Manager and Head of Housing Management. The 'red triangle' note will just say to contact the relevant manager before visiting.

Any other offenders may also have an indefinite marker, but this depends on the nature of the offence and the ASB Manager need to assess the risk posed. Any such markers must be reviewed every six months and if the marker stays in place, the reason for that decision documented.

## **5.2 Information received from partners**

We may receive hearsay information from partner organisations that an individual may present a risk

This may come in from a variety of sources, but generally will come through the ASB team or staff based in Local Offices. In some instances, this process may link into the E-CINS database system which the ASB team manage on behalf of Derby Homes – either through information received about tenants or information which we share with partners. Where this potential risk takes the form of potential physical harm to staff then this is risk assessed by the ASB manager who may, depending on the circumstances seek support from the Complex Needs Manager. The ASB manager will then decide whether a marker should be recorded on the 'red triangle'

## **5.3 Known mental health or behavioural issues**

Derby Homes staff work directly, and in partnership to help customers who may have vulnerabilities that could cause them to pose a risk

There are a number of tenants who we work with who have known mental health or behavioural issues which could mean that they present a risk to staff because their behaviour is either unpredictable or needs to be managed. We have specialist staff that work with these tenants, but other staff will also interact with them as part of their normal duties. It is important that all staff are given the correct guidance on how to approach these tenants.

All of these cases will be risk assessed by the Complex Needs Manager, who will assess the nature of the mental health or behavioural issue and decide what instruction needs to go in the 'red triangle'.

Please note that previously, information relating to known mental health issues – but not special instructions - were kept in the 'green triangle'. From now on any markers or special instructions will be kept in the 'red triangle'

The Complex Needs Manager will ensure that the special working arrangements are also recorded in the HM Sustainment notes together with the risk assessment and that this is explained to the tenant. The tenant must be told that they can appeal against this. If it is not appropriate or safe to inform the tenant then the reasons for this must be recorded in the notes.

## **5.5 Customers who have a history of making complaints against staff**

Whilst of course Derby Homes takes any complaint seriously, there is a need to recognise where a consistent pattern of unfounded complaints against staff may exist. This can include posting false accusations on social media

Where tenants make a complaint about a member of staff, this needs to be investigated and documented. This will help ensure that any future complaints that tenant may make about either that member of staff or other members of staff can be better understood, and also so that we can ensure that staff are conscious of the

need to be careful when dealing with that tenant. It can also mean that where necessary an adjustment to working practices such as always visiting in pairs can be made.

Where we receive a complaint about an employee, we will investigate under the disciplinary procedure. A central record of all disciplinary investigations is held by the Personnel Manager. The Head of Service will appoint an Investigating Officer who will contact the tenant and carry out an investigation.

The Head Of Service, or their appointed Investigating Officer will carry out a risk assessment to determine what service adjustment or marker, if any, needs to be recorded on the 'red triangle'. The Head of Service or Investigating Officer will then:

- Inform the tenant of any service adjustments (red triangle marker) we are making during, or following the investigation process and explain why we are doing this.
- Explain that we will make a record on their file of any service adjustments that we are putting in place and that there is a right of appeal on any such service adjustment.

The Head of Service or investigating Officer may decide, in consultation with other staff such as the ASB Manager, the Complex Needs Manager or the Personnel Manager that we should put a service adjustments or system marker in place but not tell the tenant. For example we may do this where we believe that telling the tenant may cause them to become violent or because we believe it would be counter productive to do so because of their vulnerability. If we don't inform the tenant we will record the reason on the separate database kept by the ASB team.

## **5.6 Near misses**

By 'near misses' we mean those situations where a member of staff feels uncomfortable when dealing with a customer. . Examples of this could be where a tenant appears to have been deliberately sexually provocatively dressed or behaved in an 'over familiar' way or made 'suggestive' remarks. Another example would be where the individual appears to behave oddly or in an unpredictable manner that whilst not obviously aggressive, made the member of staff feel uncomfortable or worried that the individual may become aggressive

It is the responsibility of Heads of Service to put in place service specific and appropriate measures for recording these and for carrying out a risk assessment to determine what measures, if any, need to be put in place. Where the Head of Service, or their nominated service manager is satisfied that a marker, or special working arrangement needs to be recorded on the 'red triangle', then this instruction must be given to the ASB team to put on, together with details of how that risk assessment was carried out and the decision arrived at. That information will be kept by the ASB team on a separate database. The Head of Service or nominated Service Manager will then

- Inform the tenant of any service adjustments we are making or marker we are putting in place and explain why we are doing this.

- Explain that we will make a record on their file of any service adjustments or markers that we are putting in place and that there is a right of appeal on any such service adjustment or marker.

## **6.0 Review of Warnings and instructions around special working arrangements**

In common with the Violence and aggression procedure, all markers or special working arrangements will be reviewed every six months. Also in common with that procedure, tenants must be told if the marker or special working arrangement is to stay in place unless we have grounds for not doing so. Any decision not to inform the tenant must be documented and kept on the database maintained by the ASB team. The six monthly reviews are to be conducted by:

- RPO, Criminal Offender either before or during the tenancy – ASB Manager
- Information received from partners – ASB Manager in conjunction with Complex Needs Manager where appropriate
- Known mental health or behavioural issues - Complex Needs Manager
- Customers who have a history of making complaints against staff – Head of Service with support from Complex needs manager or Personnel Manager as necessary
- Near misses – Heads of service or their nominated Service Manager

As part of this process relevant up to date information should be collated from other staff about the conduct of the tenant since the marker was added, taking into account the support which has been put in place for the tenant. This information should be documented on the Incident Review Form and Risk Assessment.

The service manager should consider whether the risk posed by the tenant, members of the household or visitors to their property has reduced since the original decision or last review. They should also review the recommended control measures and contact measures to confirm whether these are still proportionate to the risk posed by the tenant, members of their household or visitors to their property.

## **7.0 Appeals against markers or special working arrangements**

As with the Violence and Aggression Procedure, tenants have a right of appeal against any decision to place a marker, or make special service delivery arrangements as a result of any of the categories within this procedure. The review will be carried out by a more senior manager than the manager who made the original decision. Any request for review will not be managed through Derby Homes' complaints procedure, which means that the outcome of the review will be final. There will not be a right to further escalate it.